

Eric L. Zalud

Co-Lead, Transportation & Logistics Practice

Cleveland
T 216.363.4178
ezalud@beneschlaw.com

Overview

Eric is Co-Lead of the firm's Transportation & Logistics Practice Group and a partner of the Litigation Group. Under Eric's leadership, Benesch was named Law Firm of the Year for 2025, 2023, 2022, 2020, 2017, 2016 and 2014 in the area of Transportation Law by Best Lawyers® "Best Law Firms."

Only one law firm per practice area in the U.S. receives this recognition each year, making this award a particularly significant achievement. For the twelfth consecutive year (2014-2025), Benesch also received a national first-tier ranking in Transportation Law also by Best Lawyers® "Best Law Firms."

Eric has litigated or arbitrated matters in 33 states, before state and federal trial and appellate courts in various jurisdictions, and before the Surface Transportation Board, the Department of Veterans Affairs, the United States Olympic Committee, the Better Business Bureau, the Federal Maritime Commission and the Court of International Trade.

- Over the past 18 years, Eric has taken 37 cases to trial. His record in these cases is 34-3.
- In his litigation career, Eric has saved his clients $14.9 billion in potential exposure and risk, through his litigation wins for them.
- Eric was recognized as a 2025 "Litigation Star" by Benchmark Litigation.
- Eric has advised, consulted with, or litigated on behalf of, over 100 freight intermediaries across the country and the world.
- Over the past decade, Eric has been involved in over 50 Transportation & Logistics M&A transactions.

Eric focuses his practice primarily upon commercial litigation, transportation, logistics and e-commerce law consult and litigation, insurance, coverage and bad faith matters, and product liability matters, including medical device defense, consumer product defense and industrial product defense.

Transportation & Logistics Experience

Eric has experience in Warsaw Convention litigation matters, Carmack Amendment litigation, COGSA litigation, PUCO dealings, NHTSA matters and DOT and Surface Transportation Board matters. He also has general experience in air and surface freight disputes, freight intermediary issues and litigation, private fleet formation, truck sale and purchase issues, freight undercharge and over length disputes, admiralty litigation, freight loss and damage litigation, motor carrier casualty and personal injury work, regulatory and registration issues, driver leasing issues and general regulatory compliance matters.

Eric is a member of the Ohio Foreign Commerce Association; the Association of Transportation Law, Logistics and Policy; The Traffic Club of Cleveland; The Trucking Law Subcommittee of the American Bar Association; The Transportation Consumer Protection Council; the Conference of Freight Counsel; the Transportation Loss Prevention & Security Council; The Transportation Intermediaries Association; The National Tank Truck Carriers; The Association of Transportation Law Professionals; the International Warehouse Logistics Association; the Intermodal Association of North America; the Council on Litigation Management; and a regular attendee at the Air Transport Association freight claims seminar. He is also a member of the Defense Research Institute, Trucking Law Subcommittee; the Air Forwarders Association; the Customs Brokers Roundtable; the Specialty Carriers & Rigging Association and the Swedish American Chamber of Commerce.

Eric serves on the TLA's committees on freight claims, motor carrier transportation, litigation, logistics and e-commerce. He received the TLA's Distinguished Service Award for 2001.

Eric was listed by Super Lawyers as an Ohio Super Lawyer from 2004-2020. Super Lawyers also listed him as one of the top 100 lawyers in Ohio and, furthermore, one of the top 50 lawyers in Cleveland in 2008. From 2007-2023, Eric was also named as one of The Best Lawyers in America® and named Best Lawyers' 2013 Cleveland Transportation Lawyer of the Year. Best Lawyers describes itself as the definitive guide to legal excellence in the United States.

Eric is a frequent speaker at industry seminars and has authored numerous articles on freight intermediary liability, carrier liability, broker defaults, shipper liability, freight loss and damage, improper loading and contractual liability. He also has experience in preparing and litigating transportation contracts.

In the course of his transportation-related legal work over the years, Eric has cultivated a diverse coterie of transportation industry experts across the country. These experts provide him with regular formal and informal consultation. This ongoing consult gives him valuable industry perspectives on the matters in which he is involved. It also serves as a helpful complement to his legal experience in these matters.

Product Liability Experience

Eric has an extensive medical device and pharmaceutical defense practice. In 2002, he was named Medmarc Medical Device Attorney of the Year. Overall, he has litigated over 100 product liability claims involving variety of biotech/life science products, including:

- Contact lens solution
- Bovie pads
- Prosthetic and orthotic devices
- Bone plates
- Hip and knee replacements
- Exercise equipment (home and institutional)
- Hospital and nursing home bedrails
- Arthrex Transfix System
- CORx system
- Olecranon plate
- Rascal scooter
- Folding walkcane
- CROW walker and custom molded inserts
- KAFO orthotic leg brace
- GreenLight PV system
- Cough syrup additives
- Forceps
- Diet supplements
- Implantable morphine pumps
- Cardiac surgery equipment
- Aortic direct ellipse cannulae
- Laser hair removal apparatus
- Cold packs
- Ear piercing apparatus
- Lotstrand crutches
- Home oxygen tanks
- Weight loss devices
- Spinal catheters
- Ephedra
- Wheelchair lifts

- Pharmaceuticals/Thimerosal
- Snoring prevention devices
- Wheelchairs
- Walker/enabling devices
- Surgical robots
- Protegen bladder slings
- Blood pressure machines

He is also a regular attendee at the Association of Home Appliance Manufacturers' Annual Conference and has attended seminars at the Consumer Products Safety Commission. Eric has significant experience in fire litigation involving allegedly defective household products. He has served in the role of national coordinating counsel for several defendants in asbestos litigation over the years, and also defended sick building/toxic tort syndrome cases, Benzene cases, Thimerosal cases, popcorn butter cases, and environmental spill litigation.

Eric also has expertise in consumer product safety prevention matters. He has been involved in the formation and orchestration of product safety committee meetings and product liability programs, record retention programs, reviews of product warnings, reviews of privilege of critical self-analysis issues and recall procedures. He has experience in responding to inquiries and investigations of the Consumer Product Safety Commission and the Federal Trade Commission. He also conducted internal seminars for claims departments and engineering departments of our insurance and manufacturing clients. This experience includes:

- Responding (or not, as appropriate) to over 1,000 CPSC incident reports.
- Completing lengthy and detailed CPSC reporting, including completing more than 100 decision tree analyses, as well as fulfilling reporting obligations for vendors, manufacturers, licensees, and distributors.
- Involvement in at least seven Voluntary Correction Actions (recalls) or potential VCAs, including extensive and elaborate recall proceedings and protocols. These recalls, or decisions as to whether or not to recall, have involved consumer products, and health related and personal care products, including wellness products, rejuvenation skin care products, personal nebulizers, personal tens units, and personal humidifier health care products and hay fever allergy devices.
- Responding to broad-based and specific CPSC investigations, including client meetings, and investigating the safety of specific products with respect to substantial product hazard determinations.
- Involvement in active follow-up reporting to the CPSC on specific products.
- Submitting FOIA Requests to the CPSC regarding competitive products.
- Defending against FOIA Requests to the CPSC regarding clients' products.
- Reviewing over 100 prototype products for product safety, product testing, and warnings.
- Authoring warnings for at least 100 products, both on product and in manuals.

- Making numerous trips to the CPSC to meet with all departments, as well as the head of the CPSC, on all aspects of reporting and compliance.
- Holding in-house seminars for engineers/customer service representatives/quality controllers regarding preparation of internal documents to prevent smoking guns.
- Interfacing with the Drug and Poison Center on hundreds of consumer complaints relating to claims that consumers have been injured by various household, personal care and health and hygiene products, and followed those matters through to closure.

Eric also has Federal Trade Commission (FTC) related product advertising experience including:

- Authoring and critically reviewing marketing materials for in excess of 50 products.
- Screening Web sites and radio, TV, and print media programs for FTC compliance.
- Orchestrating responses to six FTC and state attorney general investigations/inquiries, including meetings, with no enforcement actions as a result.

The marketing materials, labeling and advertising for these products have included products related to skin care, rejuvenation, diet and personal health care and hygiene.

Eric also has a nationally renowned specialty in defending and analyzing the liability for component parts and component supplier manufacturers under U.S. product liability statutes and common law.

Eric also has extensive experience dealing with California's Proposition 65 labeling requirements and litigation relating to those requirements, dealing with FDA matters relating to personal health care, and personal care products, and dealing with consumer and regulatory issues relating to several microbial germicide products.

He has also spoken and written articles on numerous medical device related topics, including:

- Sales Representatives in the Operating Room
- The Learned Intermediary Doctrine
- The Post Sale Duty to Warn
- Liabilities in the product supply chain, including indemnity and contribution involving medical devices manufactured by foreign defendants for U.S. suppliers

He has taken several device cases to trial and to defense verdicts. He has also prevailed on numerous summary judgment motions, including prevailing on the seminal case in federal court on inadmissibility of MDR reports in summary judgment proceedings, Skerl v. Arrow International, 202 F. Supp.2d 748 (2001). He has conducted all types of discovery in these cases, including over 75 plaintiff's depositions, experts' depositions, extensive preparation and defense of medical device company representatives for deposition and trial, extensive Daubert briefing and oral argument, extensive summary judgment briefing and oral argument, and extensive trial prep to the eve of trial in many cases.

Client Testimonials

“Eric is an exceptional litigator, and his ability to wade through the “noise” associated with litigation to identify the key aspects of the matter at issue and then develop an effective and cost-effective defense strategy and related tactics separates him from 95% of the litigators we engage in other jurisdictions.” - Benesch client

“It’s not easy joining all the dots back to actual law, but of all the people I am lucky enough to work with I know if there is a way, Eric will find it.” - Benesch client

“We appreciate your work on this case and the terrific result you obtained for the company.” - Benesch client

“Eric is a foundational presence in the transportation arena. He is a seasoned litigator who has a deep understanding of businesses and the law.” - Benesch client

“Congratulations. You strategically out-foxed opposing counsel and pushed this to resolution. I hope we can work together again in the future.” - Benesch client

Representative Matters

- Represented a global freight forward transportation dispute in the New Jersey Superior Court. After filing, fully briefing, and arguing a motion to dismiss, the Court found that the plaintiff had not stated a claim for which relief may be granted. Accordingly, the judge dismissed the complaint from the bench before the end of the hearing.
- Represented C.A.T. Transport, Inc., a Canadian-based transportation provider focused on extensive and elaborate cross-border motor carrier transportation, in successfully managing the dismissal of over 20 lawsuits from a hundred-vehicle pileup in Texas.
- Represented Johanson Transportation Service, a large nationwide transportation broker and logistics provider headquartered in California in a high profile, high value, multiple fatality lawsuit for Johanson in California. We obtained a complete dismissal.
- Represented an industrial colorant manufacturer, Chroma Color Corporation, in connection with an insurance coverage dispute in the Western District of Wisconsin. The dispute arose after our client was sued in connection with alleged deficiencies in its ultraviolet protection products. The plaintiff used these products in molded parking lot light post bases and traffic bollards at large gas station chains. The plaintiff’s endgame was to seek damages in connection with every product installed at every single gas station with which it had a contract. Had the Court agreed with that theory, the damages figure would have reached eight figures in potential exposure. Three insurers sought to extricate from defending our client in the underlying suit, and a number of cross-pleadings and amended cross-pleadings were filed as a result. After more than a year of active litigation on both the merits and on coverage, a testy and unsuccessful mediation, and a long stretch of dispositive briefing, we won summary judgment on coverage. Specifically, the Court found that the applicable insurance documents conferred coverage and also adopted our position that the insurers always had a duty to defend in the underlying litigation.

- Represented a national manufacturer in a trio of cases in which the Plaintiffs began a concerted, multi-country effort to assert claims against our clients by alleging claims in Michigan state court and the Ontario Superior Court of Justice for breach of contract, unjust enrichment, tortious interference, and civil conspiracy related to failure to pay an earnout in a Stock Purchase Agreement. Plaintiffs also named the individual directors and officers of our client as defendants. We filed multiple Motions for Summary Disposition for failure to state a claim and lack of personal jurisdiction in Michigan, which the court granted while holding others in abeyance pending the Canadian litigation. We also filed a third lawsuit in Delaware federal court alleging breach of non-competition and non-solicitation covenants. As a result of this strategy by Benesch, the cases were settled with a settlement payment to our clients, despite Plaintiffs initially filing the lawsuit and seeking significant damages.
- Represented Cargill, Inc., a multi-billion-dollar food products processor and manufacturer, in a motor vehicle accident case pending in Cook County, Illinois. First, we succeeded in obtaining summary judgment on all of the plaintiff's vicarious liability claims in a court long known as plaintiff friendly. The plaintiff filed a motion to reconsider that dismissal and a motion to amend the complaint to include direct negligence claims against Cargill for the loading of the cargo. We opposed the plaintiff's motions, and the judge agreed, drafting a thoughtful written order denying plaintiffs' motions in their entirety. Not only was this a huge win for Cargill, but it was also a win for the nation's third-party logistics industry and manufacturers such as Cargill across the country.
- Represented a New York-based ocean and air freight intermediary in two related actions against an international steamship line. During the height of the 2021 COVID-19 pandemic, the Line improperly in-gated five shipping containers owned by our client's customer into its terminal. Despite our client's attempts to reclaim the shipping containers, the Line continued to use the shipping containers in its own business for several years, in derogation of our client's superior ownership rights. Ultimately, we filed a complaint for conversion in the United States District Court -Southern District of New York, and a companion action at the Federal Maritime Commission for damages related to the Line's alleged violations of the Shipping Act. We successfully defended against motions to dismiss in both forums and litigated both actions through numerous motions, counterclaims, third-party pleading practice, and administrative proceedings. Ultimately, the parties were able to resolve these related disputes in a favorable global settlement.
- Represented a state university in an alleged hazing fraternity lawsuit. Three days before the trial was to begin, the Court entered summary judgment in favor of our client. The case stemmed from the death of an 18-year-old freshman at the University. The student had been suspended from pledging the fraternity while under criminal investigation. During that suspension, he died off campus while inhaling nitrous oxide canisters. The court set new precedent regarding the state's hazing statute's affirmative defense. It also newly established that universities will not be liable under negligence theories if, despite diligent efforts, a student gets hazed. It vindicated our client's employees, who were unfairly maligned in the public eye.

Credentials

EDUCATION

- Vanderbilt University Law School, 1985, J.D.
  - Associate Editor, Journal of Transnational Law
  - Associate Justice, Moot Court
  - International Court of Justice
- Miami University, 1981, B.A., *cum laude*, Diplomacy and Foreign Affairs

BAR & COURT ADMISSIONS

- U.S. Supreme Court
- Ohio
- Indiana
- Illinois
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Northern District of Indiana
- U.S. District Court for the Southern District of Indiana
- U.S. District Court for the District of Colorado
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan
- U.S. District Court for the Eastern District of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit

Memberships

- Immediate Past President, Transportation Lawyers Association
- Member, Air Forwarders Association
- Member, Association of Transportation Law Professionals
- Member, Association for Transportation Law Logistics & Policy

- Member, Cleveland Trucking Association
- Member, Council on Litigation Management
- Member, Customs Brokers Roundtable
- Member, Diversity Law Institute
- Member, Intermodal Association of North America
- Member, International Association of Defense Counsel
- Member, International Warehouse Logistics Association
- Member, Litigation Counsel of America
- Member, Medmarc Medical Device Liability Defense Panel
- Member, National Home Delivery Association
- Member, National Tank Truck Carriers
- Member, Ohio Foreign Commerce Association
- Member, Specialized Carriers & Rigging Association
- Member, Swedish American Chamber of Commerce
- Member, TIDA Judicial Fairness Committee
- Member, The Conference of Freight Counsel
- Member, The Defense Research Institute, Trucking Law Subcommittee
- Member, The Traffic Club of Cleveland
- Member, The Transportation Consumer Protection Council
- Member, The Transportation Loss Prevention & Security Council
- Member, Transportation Intermediaries Association
- Member, Trucking Industry Defense Association
- Member, Truckload Carriers Association
- Member, Transload Distribution Association of North America
- Member, Trial Law Institute

Awards & Recognition

- Ranked Band 2 Nationally for Transportation: Road (Carriage/Logistics), Chambers 2020-2026

- Listed, *The Best Lawyers in America®,* Transportation Law; Commercial Litigation, 2007-2027
  - Named *The Best Lawyers in America©* Cleveland Transportation Lawyer of the Year, 2013
- Listed, Ohio Super Lawyers, Transportation/Maritime, 2004-2026
- Senior Fellow, Litigation Counsel of America
- Listed, Benchmark Litigation, Litigation Star, 2024-2027

News & Insights

- Benesch Named 2027 Highly Recommended Firm by Benchmark Litigation; 14 Attorneys Recognized, Including 4 First-Time Honorees
  October 30, 2026 | Press Releases
- InterConnect Newsletter | Q3 2026
  October 20, 2026 | Newsletters
- Assigning Blame: Motor Carrier Liability to Brokers? Maybe.
  October 13, 2026 | Client Alerts & Insights
- 126 Benesch Attorneys Recognized in 2027 Best Lawyers® Rankings
  August 20, 2026 | Press Releases
- Supply Chain Security - C-TPAT Program Growing in Significance for U.S. Operations
  July 15, 2026 | Client Alerts & Insights
- What's Old Is New Again: Broker Liability Insulation from the Case Law in the Post-Montgomery Era
  June 16, 2026 | Client Alerts & Insights
- Benesch Recognized as Leading Law Firm by Chambers USA 2026 with Record Growth in National and Regional Rankings
  June 4, 2026 | Press Releases
- InterConnect Newsletter - Q1 2026
  February 25, 2026 | Newsletters
- Watch Your T&Cs! When Done Right, Terms and Conditions are Both Viable-And Valuable
  February 18, 2026 | Client Alerts & Insights
- 48 Benesch Attorneys Selected to 2026 Ohio Super Lawyers and Rising Stars
  January 27, 2026 | Press Releases

Speaking & Events

PAST EVENTS

- Broker Liability in the New Era and Reptile Theory Defense | Eric L. Zalud
  October 20, 2026 | Speaking Engagement
- Insurance Risks, Gaps and Coverage Issues for Brokers | Eric L. Zalud
  June 9, 2026 | Speaking Engagement
- Regulation and Legal Update: Navigating Broker Liability Standards and Insurance Complexities | Eric L. Zalud
  May 20, 2026 | Speaking Engagement
- Seven Deadly Sins (Against Brokers)! And How to Manage and Prevent Them | Eric L. Zalud
  April 29, 2026 - May 1, 2026 | Speaking Engagement
- Our Brand in Crisis: Navigating The Three Most Frequent Crises in Broker Operations - Fatalities, Hostage Freight, and Stolen Freight | Eric L. Zalud
  April 15, 2026 - April 17, 2026 | Speaking Engagement