

Naomi M. Berry

SHAREHOLDER

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Overview

Naomi Berry represents lenders and servicers in consumer finance and banking litigation matters. She has represented national banking and financial institutions in numerous residential and commercial foreclosure matters, and defended against lender liability and loan servicing claims under TILA, RESPA, FCRA, and FDCPA, and their state law counterparts in both individual and putative class actions. Naomi's representative experience includes:

- Obtaining summary judgment in numerous contested residential and commercial foreclosure matters.
- Handling commercial loan workouts and settlements.
- Handling residential foreclosure matters involving claims of violations of Florida's statute of limitations and res judicata.
- Defending student loan servicer in multiple lawsuits involving claims for alleged violations of the FDCPA, FCCPA, FCRA, FDUTPA, and the TCPA.
- Defending creditors and collection agencies in lawsuits alleging violations of the FDCPA and the FCCPA.

Naomi also represents clients in a variety of complex commercial lawsuits and arbitrations, including shareholder disputes, breach of noncompete agreements, fraud, tortious interference, breach of contract, and employment litigation. In addition, Naomi represents clients in post-judgment collection matters.

Naomi also maintains an active role in pro bono work, representing prisoners in civil rights litigation and working with Election Protection through the Lawyers' Committee for Civil Rights Under Law.

Naomi has a particular passion for advancing women in the business community and has served as president of the Women's Chamber of Commerce of Miami-Dade County, as a member of the host committee for the City Year Women's Leadership Luncheon, and currently serves on the executive committee for Women United. Naomi also serves as co-chair of the American Bar Association's Corporate Counsel Committee.

Experience

Consumer Finance and Banking

- Obtained dismissal with prejudice for lender in lawsuit alleging fraud and wrongful foreclosure.
- Represented loan servicer in multiple lawsuits alleging FCRA violations based upon claims of identity theft.
- Obtained dismissal with prejudice of claims against lender relating to alleged negligence of appraiser hired by lender in failing to discover defects in property before closing of purchase and mortgage.
- Obtained favorable ruling after evidentiary hearing and argument on novel legal issues relating to the issuance of certificate of title after a foreclosure sale and affirmance after appeal.
- Obtained dismissal of lender liability claim brought by multiple plaintiffs arising out of 15 separate mortgages based on improper joinder.

Commercial Litigation

- Defended law firm against claims of malpractice arising out of trusts and estates representation.
- Defended telecommunications company against claims of wrongful termination.
- Represented investor in dispute over stock ownership.
- Defended television company against multiple claims of defamation and trademark infringement.
- Defended personal representative in probate adversary litigation involving claims of undue influence and lack of capacity.
- Defended telecommunications company in multiple contract disputes with vendors and agents.
- Obtained dismissal with prejudice of lawsuit against generic drug manufacturer on preemption grounds.
- Defended national bank in complex litigation for breach of contract and misappropriation of trade secrets.
- Defended brokerage firm against claims of tortious interference with expectancy relating to financial transfers made by decedent who was allegedly incompetent.
- Defended trucking company in breach of contract dispute with customer.

Class Actions

- Defended loan servicers in multiple putative class actions involving claims of TCPA, FDCPA, and FCCPA violations.
- Obtained dismissal of putative class action under FDCPA and FCCPA based upon allegedly deceptive communications from loan servicer.
- Defended health insurer in putative class action involving denial of claims under criminal activities exclusion.
- Defended telecommunications company in multiple putative class actions involving claims of TCPA violations.
- Defended timeshare association in putative federal class action for alleged violations of the FDCPA.

Areas of Focus

Practices

- Litigation and Trials
- Banking, Commercial, and Consumer Finance
- Health Care
- Telephone Consumer Protection Act
- Real Property Litigation
- Class Actions

Industries

- Banking, Commercial, and Consumer Finance
- Health Care

Insights

05.03.2023

Practical Pointers for Working with In-House Counsel

American Bar Association Corporate Counsel Committee

07.18.2022

Eleventh Circuit Addresses Potential Conflict Between FDCPA and TILA, Holds That Debt Collector Must Comply With Both

10.05.2021

Painless Methods to Extract Documents from Clients

ABA Litigation Journal

06.22.2021

Practical Issues for Transitioning to a Post-Pandemic Workplace

05.05.2021

More Is Not Merrier: Eleventh Circuit Sends Message to Debt Collectors Using Third-Party Vendors

10.26.2020

Florida's Uniform Commercial Real Estate Receivership Act

10.08.2020

Summary of Covenants Not to Compete: A Global Perspective – Florida Chapter

ABA Intellectual Property Law Section

07.24.2020

Florida's New Receivership Act Offers Some Clarity for Commercial Real Estate Stakeholders

05.17.2019

Gender Diversity with Mediators, Arbitrators, and Expert Witnesses

The Woman Advocate

01.24.2019

Gender Diversity With Mediators, Arbitrators and Expert Witnesses (subscription required)

11.03.2016

Law Enforcement Thwarts Sovereign Freeman

12.09.2015

CFPB Hits Credit Reporting Agency with \$8 Million Penalty for FCRA Violations

News

06.15.2023

Naomi Berry Quoted in Law360: “New Conn. Law Gives Structure to Rent Receivers, Attys Say”

01.17.2023

Naomi Berry Discusses Client Retention Strategies on ABA Litigation Podcast

08.12.2022

Naomi Berry Quoted in American Bar Association: “Printing While Traveling Leads to Waiver of Privilege”

10.05.2021

Painless Methods to Extract Documents from Clients

06.30.2021

Carlton Fields Shareholder Steers Clients Amid Threat of Uncertainty, Braces for Uptick in Litigation on Defaulted Loans

08.26.2020

New Commercial Receivership Act Offers Clarity That May Lead to More Diversity

12.07.2018

Carlton Fields Receives 2018 Lawyers for Children America Pro Bono Law Firm Award

02.15.2018

Seven Carlton Fields Attorneys Elected to Shareholder

Professional & Community Involvement

- American Bar Association
 - Section of Litigation
 - Co-Chair, Corporate Counsel Committee
 - Co-Chair, Business Torts and Unfair Competition Committee (2019–2022)
 - Vice Chair (2018–2019)
 - Co-Chair, Website and Social Media (2017–2018)
- The Florida Bar
- Florida Association for Women Lawyers
- Women’s Chamber of Commerce of Miami-Dade County
 - President (2014)
- Women United
 - Executive Council

Speaking Engagements

- "Impactful Tools to Advance Women Litigators," 2022 ABA Corporate Counsel CLE Seminar (February 18, 2022)
- "Litigating Civil Rights Cases: State Inmate Claims Under the 8th Amendment," The Florida Bar, Federal Bar Association, Cuban American Bar Association, Florida Association for Women Lawyers, and Wilkie D. Ferguson Jr. Bar Association (October 28, 2020)
- "Florida's Uniform Commercial Real Estate Receivership Act," Carlton Fields (October 21, 2020)
- "An Ounce of Prevention Is Worth a Pound of Cure: How Effective Pre-Litigation Trade Secrets Management Can Avoid Litigation and Improve Outcomes," ABA 2020 Corporate Counsel CLE Seminar, Carlsbad, CA (February 14, 2020)
- "Women Litigators in the Age of Implicit Bias," ABA 2019 Women in Litigation Joint CLE Conference, Chicago, IL (November 14, 2019)
- "Considerations Regarding Attorney-Client Privilege in Joint Representation," ABA 2019 Section of Litigation & Solo Small Firm and General Practice Division CLE Conference, New York, NY (May 2019)

Pro Bono

- Volunteered with Lawyers’ Committee for Civil Rights Under Law Election Protection program call center and field program during multiple elections and served as remote call center lead for Miami-Dade County in 2020.

- Represented prisoners in lawsuits against prison employees for violations of civil rights relating to physical assault.
- Represented transgender prisoner in lawsuit against several prison employees for violations of civil rights.
- Argued against motion for directed verdict at trial and assisted with trial preparation in civil rights lawsuit in which trial team obtained final judgment in favor of prisoner client.

Credentials

Education

- University of Michigan Law School (J.D., 2009)
- Yale University (B.A., 2004)

Bar Admissions

- Florida

Court Admissions

- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Northern District of Florida