



# Jeffrey A. Cohen

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## Overview

Jeff Cohen has more than 25 years of experience as a trial and appellate lawyer focusing on the representation of businesses and corporate clients in high-exposure, often highly publicized, cases ranging from product liability and personal injury lawsuits to class actions and commercial litigation. He has worked on appellate matters or provided trial support in more than 20 states and territories, in both state and federal courts, and has provided trial support in more than 50 cases.

Jeff served on the Florida Supreme Court Committee on Standard Jury Instructions in Civil Cases for many years and was the chair of the committee in 2020 and 2021. He also previously served as a member of the Florida Supreme Court Committee on Standard Jury Instructions in Contract and Business Cases.

Jeff is a member of the Product Liability Advisory Council (PLAC) and currently sits on PLAC's case selection committee. He has written amicus curiae briefs on a wide array of issues addressing product liability, punitive damages, and class actions.

He is also a frequent lecturer on appellate practice and product liability issues.

## Experience

- *Espouse III, Inc. v. Genesis Motor Am., LLC*, 372 So. 3d 269 (Fla. 4th DCA 2023). Affirming dismissal of Deceptive and Unfair Trade Practices claim.

- *In re E. I. du Pont de Nemours & Co. C-8 Pers. Injury Litig.*, 87 F.4th 315 (6th Cir. 2023). Amicus curiae brief supporting ultimate result of reversal of certification of class action.
- *Earl v. Boeing Co.*, 53 F.4th 897 (5th Cir. 2022). Amicus curiae brief supporting ultimate result of reversal of certification of class action.
- *Von Dyck v. Gavin*, 350 So. 3d 842, 843 (Fla. 1st DCA 2022). Secured reversal of judgment of dismissal based upon statute of limitations.
- *Fuguet v. Gerker*, 5D21-1493, 2022 WL 3206381 (Fla. 5th DCA Aug. 9, 2022). Affirming dismissal with prejudice due to fraud on the court.
- *Royal Palm Optical, Inc. v. State Farm Mut. Auto. Ins. Co.*, No. 21-11335, 2022 WL 1666967 (11th Cir. May 25, 2022), Affirming dismissal of business interruption class action challenging denial of coverage based on government-imposed COVID-19 restrictions.
- *Crime v. Looney*, 328 So. 3d 399 (Fla. 1st DCA 2021). Reversing judgment against defendant in personal injury action based upon improper refusal to apportion fault to non-party and remanding for new trial on all issues.
- *Watson v. Homeowners Choice Prop. & Cas. Ins. Co.*, 317 So. 3d 161 (Fla. 4th DCA 2021). Affirming judgment in favor of insurer due to the plaintiff's failure to comply with proof-of-loss requirement of insurance policy.
- *Shaquille O'Neal v. Darling*, 321 So. 3d 309 (Fla. 3d DCA 2021). Reinstating award of attorney's fees against plaintiff and plaintiff's counsel for pursuing frivolous lawsuit.
- *McKinney v. Graham*, 313 So. 3d 867, 868 (Fla. 5th DCA 2021). Reversing multimillion-dollar verdict based on improper introduction of evidence of intoxication and improper exclusion of evidence related to potential bias of treating physician.
- *Arko Plumbing Corp. v. Rudd*, 299 So. 3d 1053 (Fla. 3d DCA 2020). Affirming summary judgment in case alleging violation of Uniform Trade Secrets Act, defamation and civil conspiracy.
- *Fountainbleau, LLC. v. Hire Us, Inc.*, No. 2D18-4068 (Fla. 2d DCA June 7, 2019). Grant of petition for writ of certiorari alleging lack of personal jurisdiction to order parties to arbitration. [Read Order](#).
- *Odom v. R.J. Reynolds Tobacco Co.*, 254 So. 3d 268 (Fla. 2018). Discussing standard for remittitur in Engle-progeny action.
- *Darling v. Shaquille O'Neal*, 247 So. 3d 481 (Fla. 3d DCA 2018). Affirming summary judgment in case alleging invasion of privacy.
- *R.J. Reynolds Tobacco Co. v. Davis*, 245 So. 3d 929 (Fla. 3d DCA 2018). Reversing order granting new trial in Engle-progeny action.
- *Canta v. Philip Morris USA, Inc.*, 245 So. 3d 813 (Fla. 3d DCA 2017). Denying petition for certiorari after law firm was disqualified due to imputed conflict.
- *Suarez v. R.J. Reynolds Tobacco Co.*, 211 So. 3d 1051 (Fla. 3d DCA 2016). Affirming jury verdict, class membership, addiction causation.
- *Russo v. Philip Morris USA, Inc.*, 208 So. 3d 172 (Fla. 3d DCA 2016). Affirming jury verdict, necessity of concurrent cause instruction.

- *R.J. Reynolds Tobacco Co. v. Calloway*, 201 So. 3d 753 (Fla. 4th DCA 2016). Reversing jury verdict; improper closing argument; comparative fault.
- *Freeman v. Berrin*, 210 So. 3d 1279 (Fla. 2d DCA 2016). Affirming dismissal for failure to prosecute.
- *JP Morgan Chase Bank N.A. v. Colletti Invs., LLC*, 199 So. 3d 395 (Fla. 4th DCA 2016). Reversing judgment for consequential damages.
- *Payne v. C.R. Bard, Inc.*, 606 F. App'x 940 (11th Cir. 2015). Affirming summary judgment and exclusion of expert testimony.
- *Crimson Ibis, LLC v. U.S. Bank N.A.*, 155 So. 3d 357 (Fla. 3d DCA 2014). Affirming decision to vacate final judgment.
- *Vital Pharm., Inc. v. Prof'l Supplements, LLC*, 114 So. 3d 952 (Fla. 4th DCA 2013). Affirming denial of preliminary injunction.
- *Darling v. Shaquille O'Neal*, 86 So. 2d 1128 (Fla. 3d DCA 2012). Affirming preliminary injunction prohibiting disclosure of documents.
- *Swenson v. Am. Ammunition, Inc.*, 78 So. 2d 736 (Fla. 4th DCA 2012). Affirming summary judgment based on statute of limitations under Louisiana law.
- *Minnis v. Ford Motor Co.*, 75 So. 2d 290 (Fla. 4th DCA 2011). Affirming summary judgment in favor of manufacturer in product liability claim.
- *Mitsubishi Motors Corp. v. Laliberte*, 52 So. 3d 31 (Fla. 4th DCA 2010). Issues concerning admissibility of scientific testing.
- *Adams v. Ford Motor Co.*, 319 F. App'x 113 (3d Cir. 2009). Dismissing appeal and finding collateral order doctrine inapplicable.
- *Ford Motor Co. v. Hall-Edwards*, 5 So. 3d 786 (Fla. 3d DCA 2009). Granting certiorari and quashing an order permitting the plaintiff to plead punitive damages without providing sufficient notice.
- *Ford Motor Co. v. Hall-Edwards*, 971 So. 2d 854 (Fla. 3d DCA 2007). Reversing jury verdict based on improper admission of other accident evidence and evidence of subsequent remedial measures.
- *Kish v. A.W. Chesterton Co.*, 930 So. 2d 704 (Fla. 3d DCA 2006). Affirming summary judgment based on statute of repose on fraud.
- *Koulianos v. Metro. Life Ins. Co.*, 962 So. 2d 357 (Fla. 4th DCA 2007). Affirming summary judgment based on statute of repose on fraud.
- *Grunow v. Valor Corp. of Fla.*, 904 So. 2d 551 (Fla. 4th DCA 2005). Relationship between product defect and negligence in wrongful death, product liability action arising from murder of a teacher by a student.
- *Tran v. Toyota Motor Corp.*, 420 F.3d 1310 (11th Cir. 2005). Issues concerning definition of design defect and admissibility of other incidents.
- *Gen. Motors Corp. v. Porritt*, 891 So. 2d 1056 (Fla. 2d DCA 2004). Admissibility of demonstrative test and standards for admissibility of expert testimony.

- *Hockensmith v. Ford Motor Co.*, 116 F. App'x 244 (11th Cir. 2004). Issues concerning jury instructions and the admissibility of statistical evidence in a wrongful death action.
- *Tableau Fine Art Grp. v. Jacoboni*, 853 So. 2d 299 (Fla. 2003). Standard for recusal of trial judge.
- *Dourado v. Ford Motor Co.*, 843 So. 2d 913 (Fla. 4th DCA 2003). Admissibility of medical bills in a wrongful death action.
- *Williams v. Potamkin Motor Cars, Inc.*, 835 So. 2d 310 (Fla. 3d DCA 2002). Class action requirements and Magnuson-Moss Warranty Act.
- *Scheman-Gonzalez v. Saber Mfg. Co.*, 816 So. 2d 1133 (Fla. 4th DCA 2002). Definition of design defect and defect by virtue of the failure to warn.
- *Oller v. Ford Motor Co.*, 265 F.3d 1062 (11th Cir. 2001). Admissibility of expert testimony and definition of design defect.
- *D'Amario v. Ford Motor Co.*, 806 So. 2d 424 (Fla. 2001). The role of comparative fault in a crashworthiness case.
- *Jackson v. Gen. Motors Corp.*, 60 S.W. 3d 800 (Tenn. 2001) (amicus brief). Definition of product defect.
- *Ford Motor Co. v. Meyers*, 771 So. 2d 1202 (Fla. 4th DCA 2000). Attorneys' fees pursuant to offer of judgment.
- *Marlin v. State Farm Mut. Auto. Ins. Co.*, 761 So. 2d 380 (Fla. 4th DCA 1998). Issues relating to the relationship between insurers, their insureds, and attorneys retained by insurers representing insureds, and contractual duties owed pursuant to insurance policies.
- *Bell Sports, Inc. v. Yarusso*, 759 A.2d 582 (Del. 2000). Admissibility of expert testimony and inconsistent verdicts.
- *Almeida v. FMC Corp.*, 740 So. 2d 557 (Fla. 3d DCA 1999). Failure to prosecute.
- *Am. First Fed., Inc. v. Lake Forest Park, Inc.*, 198 F.3d 1259 (11th Cir. 1999). Exhaustion of remedies under the federal Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) and enforceability of promissory notes.
- *Santana v. Reliastar Life Ins. Co.*, 732 So. 2d 1078 (Fla. 3d DCA 1999). Interpleader requirements.
- *Goulah v. Ford Motor Co.*, 118 F.3d 1478 (11th Cir. 1997). Jury instructions, comparative fault, destruction of evidence.
- *Ciba-Geigy, Ltd. v. Fish Peddler, Inc.*, 691 So. 2d 1111 (Fla. 4th DCA 1997) (amicus brief). Forum non conveniens.
- *Jenkins v. Budd Co.*, 689 So. 2d 426 (Fla. 3d DCA 1997). Statute of repose.
- *Hoover v. Bell Sports, Inc.*, 103 F.3d 147 (11th Cir. 1996). Expert testimony.

## Areas of Focus

### Practices

- Appellate & Trial Support
- Banking, Commercial, and Consumer Finance
- Litigation and Trials
- Mass Tort and Product Liability
- Pharmaceuticals and Medical Devices
- Consumer Finance
- Insurance
- Class Actions

## Industries

- Banking, Commercial, and Consumer Finance
- Insurance

## Insights

07.26.2023

Motions in Limine: An Update on Uses, Abuses, and Pitfalls

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06.25.2020

Florida Legislative Amendment Impacting County Court Appeals

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11.14.2019

When Is a Defense “Available”? Avoiding Waiver by Being Bold When Asserting Defenses

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03.07.2019

A Post-Trial Triage Checklist

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10.03.2018

Timely and Specific: Making Objections to Federal Magistrate Reports

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02.10.2016

Don't Rest on Your Laurels: The Importance of Adapting Objections to Changed Circumstances

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05.08.2014

Florida Appellate Court Embraces Daubert Standard and Provides First In-Depth Analysis Under New Law

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09.28.2010

Florida Supreme Court Amends the Florida Rules of Civil Procedure

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## News

11.07.2024

Jeff A. Cohen Elected to Product Liability Advisory Council's Board of Directors

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12.06.2021

Jury Instructions Panels Offer Intriguing, Nuts and Bolts Work

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10.18.2021

Trial Teams Are Increasingly Looping in Appellate Lawyers at the Outset of Cases

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05.20.2021

Trend: Defense Adding Appellate Lawyers at Trial to Fight Plaintiffs' 'Emotional' Closings

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10.16.2019

Carlton Fields Appellate Attorneys Named to Florida Supreme Court Committee on Standard Jury Instructions in Civil Cases

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10.15.2018

Carlton Fields Litigators Featured in Media for Defeating \$17.5M Claim

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07.09.2018

Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida "Super Lawyers" and "Rising Stars"

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10.24.2017

Jeffrey A. Cohen and Amy E. Furness Speak About Managing Data Breaches at PLAC Fall Conference

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08.15.2017

78 Carlton Fields Attorneys Named “Best Lawyers in America”

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06.23.2017

Florida Super Lawyers Ranks 92 Carlton Fields Attorneys as 2017 “Super Lawyers” and “Rising Stars”

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01.02.2017

Carlton Fields Attorneys Named to the 2017 “South Florida Legal Guide”

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## Recognition

- AV Rated by Martindale-Hubbell
- *The Best Lawyers in America*, Appellate Practice (2024–2025)
- *South Florida Legal Guide*
- Florida Super Lawyers, *Super Lawyers Magazine* (2017–2019)
- Finalist, Most Effective Lawyers Award, *Daily Business Review* (2010)

## Professional & Community Involvement

- Product Liability Advisory Council
  - Case Selection Committee
- American Bar Association
- DRI
- The Florida Bar
- Florida Supreme Court
  - Chair, Standard Jury Instructions Committee – Civil Cases (2020–2021)
  - Vice Chair, Standard Jury Instructions Committee – Civil Cases (2018–2019)
  - Former Member, Standard Jury Instructions Committee – Contract and Business Cases
- The 200 Club of Greater Miami
- International Association of Defense Counsel
  - Former Chair, Appellate Committee

## Speaking Engagements

- "Store Violence Prevention: Gun Violence and Safety Measures," CSP 20th Annual Risk Management Forum, Dallas, TX (April 12, 2023)
- "A Peek Inside Standard Jury Instruction Committees: How the Sausage Gets Made," PLAC 2022 Spring Conference, Palm Beach Gardens, FL (April 28, 2022)
- "Hitting the Brakes on Runaway Juries and Punitive Damages in Automotive Cases," ACI 12th National Forum on Defending and Managing Automotive Product Liability Litigation, Chicago, IL (July 18–19, 2019)
- "Tricks of the Appellate Trade," 2019 Appellate Practice Regional CLE Program, ABA Section of Litigation Appellate Practice Committee, Miami, FL (May 16, 2019)
- "And Now, the Law," ABA Emerging Issues in Motor Vehicle Product Liability Litigation Conference, San Diego, CA (April 4, 2019)
- "Technology and Cybersecurity," Carlton Fields-Venture Café Miami Visiting Investor Program, Miami, FL (November 29, 2017)
- "Data Breach/Cyber Security: Not a Matter of If, but When: Prepare, Protect & Respond," 29th Annual North American Law Summit, Montego Bay, Jamaica (November 9, 2017)
- "Data Breaches and Cybersecurity Planning – Best Practices in Managing the Risk," Product Liability Advisory Council 2017 Fall Conference, Irving, TX (October 18, 2017)
- "And Now, the Law," ABA Emerging Issues in Motor Vehicle Product Liability Litigation Conference, Phoenix, AZ (April 6, 2017)
- "Managing the Risk – Program Design and Best Practices," Product Liability Advisory Council 2016 Fall Conference, Colorado Springs, CO (October 6, 2016)
- "Spotlight on Personal and General Jurisdiction: Case Law Updates, Supreme Court Rulings, Resolving Issues With Foreign Defendants, and Defining Being at Home and Principal Place of Business," ACI Automotive Product Liability Litigation Conference, Chicago, IL (June 10, 2016)
- "And Now, the Law," ABA Emerging Issues in Motor Vehicle Product Liability Litigation Conference, Phoenix, AZ (April 7, 2016)
- "Issues on Experts: Florida's Significant Change from *Frye* to *Daubert*," Third Annual Appellate Forum for Trial Lawyers, Miami, FL (October 23, 2015)
- "The Latest Nuances on Defending Typical Defect Theories: Rollovers, Side Curtain Air Bags, Tire Aging, Electronic Stability Control, Seat Backs, and Beyond," ACI Automotive Product Liability Litigation Conference, Chicago, IL (June 3, 2015)
- "Preserving Error for Appellate Review," ABA Emerging Issues in Motor Vehicle Product Liability Litigation Conference, Phoenix, AZ (April 8, 2015)
- "Media Coverage of the High-Profile Case: Winning in the Court of Public Opinion and the Court of Law," IADC Midyear Meeting, Marco Island, FL (February 18, 2015)

## Credentials



## Education

- University of Miami School of Law (J.D., *cum laude*, 1995)
  - Order of the Coif
  - Project Editor, *University of Miami Law Review*
- University of Wisconsin–Madison (B.A., 1992)

## Bar Admissions

- Florida

## Court Admissions

- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida