

Litigation and Trials

Overview

Our litigation teams are well-equipped to handle the most complex business trials, arbitrations, and appeals. We have developed especially deep experience in the defense of class actions and mass actions, white collar representation, high-stakes business litigation, and government investigations. We have tried more than 1,500 cases to judgment or verdict and defended several hundred class actions across the country. We are one of only a handful of firms that have actually tried major class action cases. In the life insurance and financial product liability areas alone, we have represented life and annuity companies in well over 200 class actions in more than 30 states.

The cases we handle cut across every subject area, including consumer and business fraud, Foreign Corrupt Practice Act enforcement, contracts, shareholder disputes, antitrust, insurance, securities, product liability, construction, real estate, creditors' rights and bankruptcy, labor and employment, intellectual property, health care, telecommunications, energy, constitutional claims, international and domestic arbitration, and federal and state governmental disputes.

Experience

- Counsel for national construction contractor in connection with more than \$100 million in claims relating to central Florida convention center project
- Counsel for subcontractor defending \$85 million claim for failure of phosphate reservoir
- Represent international airport authority on construction and insurance issues for multibillion-dollar airport expansion
- Counsel for homebuilder in class action relating to \$200 million in hurricane claims involving more than 8,000 homeowners
- Counsel for homebuilder in class action, involving site-related claims by 118 homeowners seeking more than \$10 million in damages
- Represented contractors and homebuilders in connection with Chinese drywall claims exceeding \$300 million

- Represented contractor in connection with \$120 million in claims arising from luxury hotel construction
- Represented contractor in connection with claims relating to a \$200 million-plus resort in Dade County, Florida
- Defended lead designer of space shuttle launching facility at Cape Canaveral
- Represented lead designer of \$70 million highway expansion project in central Florida
- Defended class action alleging underground storage tanks leaked due to construction defects; Class certification denied
- Represented government entity on a \$75 million claim arising from termination of a contractor on a waste water treatment plant; Matter involved untimely performance of defective work/delay, latent defects, bid irregularities, design defects, 255 bonds, interpretation of bid documents, plans and specifications, and errors and omissions
- Represented government entity on a delay and construction defects claim against a paving contractor on a multimillion-dollar road construction project
- Represented government entity on a multimillion-dollar claim against a general contractor for defective construction and delays arising from the construction of a water treatment plant
- Represented regional airport authority on multiple matters, including advice during construction and representation in litigation
- Represented county on multimillion-dollar claim against design professional for defective design and contract administration arising from the construction of a water treatment plant
- Represented county school district on a delay and defective construction claim against a general contractor arising from the multimillion-dollar high school renovation.
- Represented construction company against numerous subcontractors involving numerous related cases arising out of hotel construction for major Orlando theme park
- Represented construction company suing for wrongful termination of a subcontract on a construction project for a public university
- Defended two separate lawsuits by a general contractor against subcontractor payment and performance bond sureties for defective construction, latent defects, and delay damages arising out of a luxury condominium
- Defended a suit against a subcontractor's performance bond for latent water damage in a condominium project

- Defended an architect against allegations of negligent design and project administration involving a commercial office and warehouse
- Defended numerous payment and performance bond claims by community schools involving school construction
- Defended general contractor's performance bond surety for mold and water damage to a county sheriff's building
- Represented bleacher designer, manufacturer, and installer in dispute where claims exceeded \$14 million and involved a 75,000-seat super motor speedway; Action also involved suing engineer and foundation designer for design defects
- Represented general contractor for breach of contract and delay damages, involving a claim that exceeded \$2 million
- Represented national heavy highway contractor against an engineering firm regarding supply of inaccurate soil data
- Represented site contractor against developer for delay damages
- Represented subcontractor against delay claim alleged by major theme park and general contractor
- Represented county on multiple construction matters arising from defective construction, design, or delay
- Represented numerous condominium associations on claims against developers, contractors, and designers arising from defective construction

Insights

04.19.2024

Supreme Court Clarifies That No Private Cause of Action Exists Under Rule 10b-5 for Pure Omissions, Only Uncorrected Half-Truths

American Bar Association

02.01.2024

"Helter Skelter:" Lyrics Matter

ABA Litigation Journal

01.24.2024

California Courts Lack Authority to Strike PAGA Claims on Manageability Grounds, but Due Process Could Be a Ticket Out

01.11.2024

Amendments to Southern District of Florida Local Rules

Daily Business Review

01.11.2024

Federal Rule Amendment Clarifies Requirements for Admitting Expert Testimony

01.04.2024

Find New Clients In 2024: Outside Your Firm And Inside

10.12.2023

Chevron on the Brink — the Supreme Court Could Revolutionize Administrative Law This Term (But Shouldn't)

Westlaw Today

10.02.2023

10 Years of Daubert in Florida: Reflections and Tips from a Litigator

08.31.2023

Florida's Fourth District Issues First Appellate Decision Expressly Adopting Business Judgment Rule in Employment Discrimination Cases

08.03.2023

You Keep Using That Word, I Do Not Think It Means What You Think It Means: Accountant-Client "Privileged" Communications May Not Be Privileged as a Conflict of Law Matter

07.06.2023

Top 10 First Amendment Cases of the 2022-2023 Supreme Court Term

07.01.2023

Four Rules to Establish That Your Evidence Is Legit

ABA Litigation Journal

06.29.2023

11th Circuit: District Courts May Equitably Toll FAA 3-Month Deadline to Challenge Arbitration Awards

06.27.2023

SCOTUS Interprets FAA to Impose Mandatory Stay of Proceedings in District Courts Pending Interlocutory Appeal From Denial of Motion to Compel Arbitration

06.02.2023

NLRB Ratchets Up Campaign Against Noncompete Agreements

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Proposed Rule Provides Guidance for Initial Case Management in MDLs

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STOLI Fallout: Stepping Into the Post-Void

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Medical Incapacity Does Not Toll Life Insurance Conversion Period

05.03.2023

Practical Pointers for Working with In-House Counsel

American Bar Association Corporate Counsel Committee

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New Jersey Appellate Division Rules That Private Social Media Posts Are Subject to Discovery

03.10.2023

California Employers May Wish to Update Their Arbitration Agreements in Light of New California Court of Appeals Decision Involving PAGA

02.23.2023

NLRB New Rule Affects How All Employers Should Approach Severance Agreements and Other Employment Contracts

02.17.2023

Ninth Circuit Rejects California Ban on Mandatory Arbitration as a Condition of Employment

02.16.2023

Suicide-By-Cop Precludes Death Benefits

01.19.2023

FINRA Issues 2023 Report on Examination and Risk Monitoring Program

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Appearing in the Red Glare of the Rocket Docket

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FTC Proposes Nationwide Ban on Noncompete Agreements for All Employers: How to Comment on This Proposed Rule

01.01.2023

Who's Zoomin' Who?

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12.24.2022

2022 Amendments to the Southern District of Florida Local Rules

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11.14.2022

Imperfect Perfection: Florida Has Zero Tolerance for Creditors Who Misname Debtors in UCC-1 Financing Statements

11.08.2022

ABA Sound Advice: Five Tips for Successful Local Counsel Engagements

10.19.2022

Litigating D&O Claims in the Modern Age: What's the Difference Between a Breach of Fiduciary Duty and Doing Your Job Really, Really Badly?

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Should I Stay (Home) or Should I Go (to the Office)?

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10.07.2022

Legal Research: The Old Way Versus the New

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After Hurricane Ian When Are Filings Due In Florida Federal Court?

Daily Business Review

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Update on Arbitration: What Companies Should Be Doing Now in Light of Recent Supreme Court Cases

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The Florida Security of Communications Act – Basics 101

08.15.2022

ABA Sound Advice: Conducting Civil Rights Audits: Benefits and Best Practices

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Applying New Fla. Settlement Proposal Rule To Pending Cases

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

06.30.2022

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Slippery Slope? More Like Sliding Scale: Reviving Section 232 Litigation by Adopting Sliding Scale Analysis to Meaningfully Constrain Presidential Action

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DOL Stakes Out New Fiduciary Concept: Plaintiffs Would Uproot It

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When Hidden Truths Become Material Misrepresentations

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Life Insurance Lapse Notice Class Actions Fail to Take Root: California Court Denies Certification

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Must ERISA Actuarial Equivalence Be “Reasonable”?

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Florida Supreme Court Weighs in on Delegation Language in Arbitration Provisions, Affirms Sufficiency of "Reference to Rules" Approach

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New Amendments to the Southern District of Florida Local Rules

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The Disappearing Oral Argument

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The Rule 23 Trial Plan: A Valuable and Underused Procedural Tool in Class Action Defense

ABA Class Actions and Derivative Suits Committee

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What Court Clash On Fla. Law Means For Lost Profits Claims

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Properly Joining in a Co-Party's Brief or Motion to Avoid Waiver Issues: Further Considerations for Fact-Specific Arguments

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Hunstein and the FCCPA

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Resolving When Fla. Consumer Statute Gives Cos. Standing

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New York City Creates Right to Sue Over Use of Biometric Data

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Fla. High Court Codifies the 'Apex Doctrine': Discovery Protection for Corporate Decision-Makers

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You Have a Judgment, Now What? Mastering the Art of Judgment Collection

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Florida Supreme Court Adopts Federal Summary Judgment Standard

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A Confusing Split Over 'Reasonable Consumer' In Fla. Courts

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Administrative Order S-2021-023 – Circuit Civil Differentiated Case Management Plan

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Live Trials During the COVID-19 Pandemic: What's Changed?

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

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Should the Florida Courts Adopt the Federal Twombly Standard For Motions to Dismiss?

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Gov. DeSantis Signs COVID-19 Business Liability Protection Bill Into Law

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How Recent Fla. Consumer Cases Diverge On Improper Fees

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Florida Legislation Protects Businesses From COVID-19 Lawsuits

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Confusing Damages Issues In Florida 'Improper Fee' Case

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How Do We Protect Trade Secrets in Unprecedented Times?

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A Look at Amendments to Local Rules for Southern and Middle Districts of Fla.

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Forum Selection May Be Viable For Fla. Consumer Claims

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Preserving Arguments: Playing “Hide the Ball” Can Be Costly

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Don't Leave it to the Appellate Court to "Make the Best of a Bad Thing": The Seventh Circuit is the Latest to Require a Contemporaneous Objection to an Inconsistent Verdict Before the Jury Disbands

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Life Industry Class Action Trends in the First Half of 2020

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Supreme Court Shuts Door on Defined-Benefit Plan Participants' ERISA Suits

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ERISA Disability Plan Insurers Score Important Circuit Court Victories

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Supreme Court to Settle Circuit Split on TCPA Autodialer Prohibitions

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Third and Eleventh Circuits Show No “Lapse” in Judgment

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Bar Orders Must Be Integral To Settlement in Order To Be Essential

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When Is an Arbitration a Foreign or International Tribunal?

Practice Points

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Florida Governor Limits Mortgage Foreclosure and Eviction Relief to Non-Payment Defaults and Single-Family Mortgagors and Residential Tenants

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What Split on Standing Means for Fla. Consumer Claims

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Why Fla. Courts Are Split on Unfairness Under Consumer Law

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Mastering "Zoom Advocacy"

American College of Trial Lawyers

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Florida's Fourth District Gives Protection to an Obvious Secret

05.12.2020

Welcome to the Party, Pal: Supreme Court Invokes Party Presentation Principle

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The Thirteenth Judicial Circuit Professionalism Committee

Lawyer Magazine

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Personal Jurisdiction in the Internet Age: A Virtual Learning Case Study, Preservation Issues, and a Sockdolager

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Foreign Arbitration and Discovery in the U.S. Under Section 1782: Servotronics Inc. v. Boeing Co.

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Remote Proceeding Advocacy

State-to-State

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States Introduce Emergency Laws Seeking to Retroactively Expand Business Interruption Insurance for Small Businesses to Include Claims Related to COVID-19 Despite Policy Exclusions Providing Otherwise

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Relief Avenues for Small and Medium-Sized Businesses in California During the COVID-19 Pandemic

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Contra Dicta-ry: Your Agency Challenge May Be Waived, Even If Cases Say You “Likely” Preserved It

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The Three “Musts” for a Competent Affidavit or Declaration

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The Game of Forfeiture: Fumbling the Ball and How the Court May Recover It

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To Move for Rehearing or Not to Move for Rehearing: That Is the Question

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Unforced Errors: Don't Leave a Ground of the Court's Ruling Unchallenged

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Don't Waive Goodbye to Your Right to a Jury Trial

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Fortnite Suit Highlights Game Cos.' Need For Privacy Vigilance

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What's the Question?: Framing Issues on Appeal

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How Broad Is the Scope of the CCPA's Standing Provision Under Section 1798.150(a)(1)?

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Don't Estop Believin' – Courts May Save Your Judicial Estoppel Argument

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Form Over Substance? High Court Agrees to Take a Look at an Old Fifth Circuit Rule Requiring Formal Objection

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Oral Argument as an Opportunity to Deliberate With the Court

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Using Post-Trial Motions to Argue Error for the First Time

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FINRA's New Report on Broker-Dealer Cybersecurity Practices

Securities Litigation Journal

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More Is Usually Better: One Objection to An Expert's Opinion Will Not Necessarily Preserve a Challenge to Its Admission

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Preserved, Actually: Preservation of Arguments Definitively Rejected by the Trial Court

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

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Against the Wait: Failure to Object to Jury's Award of Future Lost Wages Precludes Verdict Challenge

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Is Your Sufficiency Challenge Sufficiently Preserved for Appeal?

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The Future Of LGBT Protections: Will High Court Weigh In?

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Careful What You Ask For: Think Twice Before Asking the Appellate Court to Uphold Pleadings You Failed to Fix in the Trial Court

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Nominal Settlement Offers Get Boost in Jumping Horse Case

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All Hope is Not Lost: Raising a New Argument on Appeal

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Food for Thought: Ninth Circuit Reverses Dismissal of Putative Class Action Alleging Misleading Label on Kroger Bread Crumbs

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Food for Thought: Plaintiff's Claim Still Has Some Muscle – Ninth Circuit Reverses Class Action Against Protein Powder Manufacturer Alleging Source of Protein Was Misrepresented

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It Can Be Easy to Fail to Preserve, Or Even to Waive, Jury Instruction Error

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When Asking for Relief Is Not Enough: Eleventh Circuit Affirms a First Dismissal With Prejudice

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For Want Of A Deadline: Avoiding A Jurisdictional Pitfall

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The Next Frontier of Mediation: Mediating E-Discovery Issues

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So You're Telling Me There's A Chance! – The Difference Between Waiver and Forfeiture

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From De Novo to Clear Error: Don't Risk Your Standard of Review When Objecting to a Magistrate's Report

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Appeal it All! Guarding Against Multiple, Independent Grounds

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Cost of Insurance Litigation Review

10.01.2016

A Brief Overview of Recent Supreme Court Precedent – Keeping Foreign Litigation at Bay

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2016 Class Action Survey: Best Practices in Reducing Cost and Managing Risk in Class Action Litigation

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Arbitration Award Overturned Because Panel Not Impartial

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Has the Supreme Court Thrown Health Care Regulation Into Disarray?

Antitrust Magazine (PDF)

08.26.2015

Sure I Can or Sure I Can't?

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Recent Developments in Business and Corporate Litigation

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Two U.S. Supreme Court Opinions Enforce Arbitration Agreements

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Annual Review of Developments in Business and Corporate Litigation

03.08.2013

When the Cup Runneth Over: Cy Pres Distributions in Class Action Settlements

03.01.2012

Annual Review of Developments in Business and Corporate Litigation

06.02.2011

E-Discovery Sanctions Awarded after Case Is Closed

01.01.2009

Annual Review of Developments in Business and Corporate Litigation

03.31.1999

The Pass-On Problem In Indirect Purchaser Class Litigation

03.31.1999

The Pass-On Problem in Indirect Purchaser Class Litigation

Our Team

Key Contacts



Donald R. Kirk

SHAREHOLDER

Additional Members



Scott Abeles

SHAREHOLDER

Washington, D.C.

☎ [202.965.8112](tel:202.965.8112)



D. Matthew Allen

SHAREHOLDER

Tampa

☎ [813.229.4304](tel:813.229.4304)



Ryan P. Allen

ASSOCIATE

New Jersey

📞 973.828.2625



Nader A. Amer

ASSOCIATE

Miami

📞 305.539.7205



Enrique D. Arana

SHAREHOLDER

Miami

☎ 305.347.6876



Joan K. Archer

OF COUNSEL

Los Angeles

☎ 310.843.6376



Nicholas E. Athanas

ASSOCIATE

Miami

☎ 305.539.7230



Sarah J. Barney

ASSOCIATE

Tampa

☎ 813.229.4374



Alex M. Bein

ASSOCIATE

New York

☎ [212.380.9609](tel:212.380.9609)



Stephen Beke

SENIOR COUNSEL

Los Angeles

☎ [310.843.6312](tel:310.843.6312)



Alundai J. Benjamin

ASSOCIATE

Hartford

📞 860.392.5055



Bruce J. Berman

SHAREHOLDER

Miami

📞 305.539.7415



Naomi M. Berry

SHAREHOLDER

Miami

☎ 305.539.7210



Jillian A. Blumenthal

ASSOCIATE

Miami

☎ 305.347.6847



Dane R. Blunt

SHAREHOLDER

Tampa

☎ 813.229.4156



Alexandra D. Blye

SHAREHOLDER

West Palm Beach

☎ 561.650.8016



Andrea L. Bonvicino

ASSOCIATE

New Jersey

☎ 973.828.2622



Justan C. Bounds

SHAREHOLDER

Atlanta

☎ 404.815.3410



Alicia Whiting Bozich

SENIOR COUNSEL

Tampa

📞 813.229.4305



Cathleen Bell Bremmer

OF COUNSEL

Tampa

📞 813.229.4326



Steven J. Brodie

SHAREHOLDER

Miami

☎ 305.539.7302



Scott E. Byers

SHAREHOLDER

Miami

☎ 305.347.6819



Patricia S. Calhoun

SHAREHOLDER

Tampa

☎ 813.229.4221



Natalie J. Carlos

SHAREHOLDER

Miami

☎ 305.539.7370



Siena Carnevale

ASSOCIATE

New Jersey

📞 973.828.2616



Patricia M. Carreiro

SHAREHOLDER

Miami

📞 305.539.7314



Kenneth J. Cesta

OF COUNSEL

New Jersey

☎ 973.828.2618



Dana Chaaban

ASSOCIATE

Orlando

☎ 407.244.8236



Stephanie Chau

OF COUNSEL

Los Angeles

☎ [310.843.6314](tel:310.843.6314)



Justin L. Chretien

SHAREHOLDER

Washington, D.C.

☎ [202.965.8113](tel:202.965.8113)



John E. Clabby

SHAREHOLDER

Tampa

☎ 813.229.4229



Jeffrey A. Cohen

SHAREHOLDER

Miami

☎ 305.539.7289



Jeffrey Michael Cohen

OF COUNSEL

Miami

☎ 305.539.7304



Matthew J. Conigliaro

SHAREHOLDER

Tampa

☎ 813.229.4254



Chris S. Coutroulis

SHAREHOLDER

Tampa

☎ 813.229.4301



Holli Credit

ASSOCIATE

Miami

☎ 305.539.7379



James S. Czodli

ASSOCIATE

Miami

☎ 305.347.6806



Andrew Daechsel

SHAREHOLDER

West Palm Beach

☎ 561.822.2972



Alexander D. del Russo

SHAREHOLDER

West Palm Beach

☎ 561.650.0332



Tyler J. Derr

SHAREHOLDER

Tampa

☎ 813.229.4237



Robert W. DiUbaldo

SHAREHOLDER

New York

📞 [212.380.9635](tel:212.380.9635)



Kai L. Donner

ASSOCIATE

Tampa

📞 [813.229.4167](tel:813.229.4167)



Julia E. Duffy

ASSOCIATE

New Jersey

☎ [212.430.5514](tel:212.430.5514)



Steven C. Dupré

SHAREHOLDER

Tampa

☎ [813.229.4341](tel:813.229.4341)



Jorkeell Echeverria

ASSOCIATE

New Jersey

📞 [212.430.5521](tel:212.430.5521)



David B. Esau

SHAREHOLDER

West Palm Beach

📞 [561.650.8015](tel:561.650.8015)



Nancy J. Faggianelli

SHAREHOLDER

Tampa

📞 813.229.4321



Scott D. Feather

SHAREHOLDER

Tampa

📞 813.229.4338



Lauren E. Fenton-Valdivia

SHAREHOLDER

Tampa

📞 813.229.4936



Stephanie A. Fichera

SHAREHOLDER

Miami

📞 305.347.6810



Nathaniel G. Foell

SHAREHOLDER

Tampa

📞 813.229.4188



Kevin A. Foreman

ASSOCIATE

Washington, D.C.

📞 202.965.8174



Christopher B. Freeman

SHAREHOLDER

Atlanta

☎ 404.815.2710



Jaret J. Fuente

SHAREHOLDER

Tampa

☎ 813.229.4362



Todd M. Fuller

SHAREHOLDER

Miami

☎ 305.347.6868



Amy E. Furness

SHAREHOLDER

Miami

☎ 305.539.7253



Ellyn S. Garofalo

SHAREHOLDER

Los Angeles

☎ 310.843.6340



Jon T. Gatto

SHAREHOLDER

Tampa

☎ 813.229.4141



Simon A. Gaugush

SHAREHOLDER

Tampa

☎ 813.229.4227



David L. Gay

SHAREHOLDER

Miami

☎ 305.539.7265



Harvey W. Geller

SHAREHOLDER

Los Angeles

📞 [310.843.6332](tel:310.843.6332)



John L. Gibbons

ASSOCIATE

Washington, D.C.

📞 [202.965.8161](tel:202.965.8161)



Robert N. Gilbert

SHAREHOLDER

West Palm Beach

☎ 561.650.8007



Joel B. Giles

SHAREHOLDER

Tampa

☎ 813.229.4390



Samantha H. Goldstein

ASSOCIATE

Miami

☎ 305.530.4022



Kristin A. Gore

SHAREHOLDER

West Palm Beach

☎ 561.650.8046



Julie M. Grijalva

ASSOCIATE

Hartford

📞 860.392.5038



Merrick L. Gross

SHAREHOLDER

Miami

📞 305.530.4046



Clifton R. Gruhn

SHAREHOLDER

Miami

☎ 305.347.6990



Alan M. Grunspan

SHAREHOLDER

Miami

☎ 305.539.7209



M. Derek Harris

SHAREHOLDER

West Palm Beach

📞 561.650.8006



John R. Hart

SHAREHOLDER

West Palm Beach

📞 561.650.8024



F. Townsend Hawkes

OF COUNSEL

Tallahassee

☎ 850.513.3602



Blair C. Hedges

SHAREHOLDER

Orlando

☎ 407.481.5443



Michael T. Hensley

SHAREHOLDER

New Jersey

☎ 973.828.2613



Emil Hirsch

SHAREHOLDER

Washington, D.C.

☎ 202.965.8184



Aaron A. Holman

ASSOCIATE

Orlando

📞 407.244.8229



Ethan Horwitz

SHAREHOLDER

New York

📞 212.380.9617



Erin J. Hoyle

SHAREHOLDER

Tampa

📞 813.229.4348



Sean W. Hughes

ASSOCIATE

Miami

📞 305.539.7278



Amy Lane Hurwitz

SHAREHOLDER

Miami

☎ 305.539.7309



Sameer Hussain

ASSOCIATE

Los Angeles

☎ 310.843.6382



Austin L. Jackson

ASSOCIATE

Los Angeles

☎ 310.843.6338



Amanda Romfh Jesteadt

SHAREHOLDER

West Palm Beach

☎ 561.650.0354



Daniel C. Johnson

SHAREHOLDER

Orlando

📞 407.244.8237



Ryan D. Johnson

ASSOCIATE

Miami

📞 305.539.7229



Heather M. Jonczak

SHAREHOLDER

Miami

☎ 305.539.7242



Allison Oasis Kahn

SHAREHOLDER

West Palm Beach

☎ 561.650.8041



Levon Kalanjian

ASSOCIATE

Miami

☎ 305.539.7206



Amir Kaltgrad

SHAREHOLDER

Los Angeles

☎ 310.843.6346



David A. Karp

OF COUNSEL

Miami

☎ 305.539.7280



Bruce Charles King

OF COUNSEL

Miami

☎ 305.539.7244



Roger S. Kobert

SHAREHOLDER

New York

📞 [212.785.9161](tel:212.785.9161)



Jeanne M. Kohler

SHAREHOLDER

New York

📞 [212.380.9628](tel:212.380.9628)



Edward Kuchinski

OF COUNSEL

Tampa

☎ 813.229.4262



John J. Lamoureux

OF COUNSEL

Tampa

☎ 813.229.4224



Joseph H. Lang Jr.

SHAREHOLDER

Tampa

📞 813.229.4253



Robin Leavengood

OF COUNSEL

Tampa

📞 813.229.4122



Hywel Leonard

OF COUNSEL

Tampa

☎ 813.229.4215



Markham R. Leventhal

SHAREHOLDER

Washington, D.C.

☎ 202.965.8189



Julie A. Levine

ASSOCIATE

Miami

☎ 305.347.6930



Matthew E. Lewis

ASSOCIATE

Orlando

☎ 407.849.3581



Troy A. Mainzer

ASSOCIATE

Tampa

📞 [813.229.4239](tel:813.229.4239)



Michael D. Margulies

SHAREHOLDER

New York

📞 [212.430.5511](tel:212.430.5511)



Neal McAliley

SHAREHOLDER

Miami

☎ 305.530.4039



Julianna Thomas McCabe

SHAREHOLDER

Miami

☎ 305.347.6870



David H. McConnell III

ASSOCIATE

Miami

☎ 305.347.6899



Kevin P. McCoy

SHAREHOLDER

Tampa

☎ 813.229.4272



Mac R. McCoy

OF COUNSEL

Tampa

☎ 813.229.4393



Janet Goldberg McEney

OF COUNSEL

Tampa

☎ 813.229.4187



Casey R. Hardy McGowan

ASSOCIATE

West Palm Beach

📞 [561.650.8032](tel:561.650.8032)



Kathleen S. McLeroy

SHAREHOLDER

Tampa

📞 [813.229.4228](tel:813.229.4228)



Scott L. Menger

ASSOCIATE

Los Angeles

☎ 310.843.6326



Haroon N. Mian

ASSOCIATE

New York

☎ 212.380.9589



Dean A. Morande

SHAREHOLDER

West Palm Beach

☎ 561.650.8014



Jason A. Morris

SHAREHOLDER

Atlanta

☎ 404.815.2724



Meredith M. Moss

SHAREHOLDER

Los Angeles

☎ 310.843.6304



Paul L. Nettleton

SHAREHOLDER

Miami

☎ 305.539.7224



Mark A. Neubauer

SHAREHOLDER

Los Angeles

☎ [310.843.6310](tel:310.843.6310)



Ilan A. Nieuchowicz

SHAREHOLDER

West Palm Beach

☎ [305.539.7381](tel:305.539.7381)



Alexa M. Nordman

ASSOCIATE

Tampa

☎ 813.229.4220



Robert Novack

SHAREHOLDER

New York

☎ 212.430.5510



Charlisa R. Odom

ASSOCIATE

Tampa

📞 813.229.4368



Richard Oliver

SHAREHOLDER

Tampa

📞 813.229.4252



Rachel A. Oostendorp

OF COUNSEL

Miami

☎ 305.539.7260



Luigi Orengo Jr.

ASSOCIATE

Tampa

☎ 813.229.4957



Logan M. Owens

ASSOCIATE

Atlanta

☎ 404.815.2759



Edward J. Page

SHAREHOLDER

Tampa

☎ 813.229.4308



Christopher M. Paolini

SHAREHOLDER

Orlando

☎ 407.244.8253



Robert W. Pass

OF COUNSEL

Tallahassee

☎ 850.513.3608



Jason Perkins

SHAREHOLDER

Orlando

☎ 407.244.8250



Justin R. Peters

ASSOCIATE

Los Angeles

☎ 310.843.6308



Gail Podolsky

SHAREHOLDER

Atlanta

☎ 404.815.2714



Luis Prats

SHAREHOLDER

Tampa

☎ 813.229.4102



Robert M. Quinn

SHAREHOLDER

Tampa

☎ 813.229.4217



Heidi Hudson Raschke

SHAREHOLDER

Tampa

☎ 813.229.4271



Saray N. Ravelo

ASSOCIATE

Tallahassee

📞 850.425.3387



Alan Rosenthal

SHAREHOLDER

Miami

📞 305.539.7301



Michael Jay Rune II

SHAREHOLDER

Miami

☎ 305.539.7231



Gary L. Sasso

PRESIDENT AND CHIEF EXECUTIVE
OFFICER

Tampa

☎ 813.229.4256



Donald R. Schmidt

SHAREHOLDER

Tampa

☎ 813.229.4319



Adam P. Schwartz

SHAREHOLDER

Tampa

☎ 813.229.4336



James M. Sconzo

SHAREHOLDER

Hartford

☎ 860.392.5022



Robert L. Shannon

SHAREHOLDER

Atlanta

☎ 404.815.2753



Raina T. Shipman

ASSOCIATE

Miami

☎ 305.530.4072



Alex B. Silverman

SHAREHOLDER

New York

☎ 212.380.9627



Amrit P. Singh

ASSOCIATE

New York

☎ [212.380.9653](tel:212.380.9653)



Michael D. Sloan

SHAREHOLDER

West Palm Beach

☎ [561.822.2979](tel:561.822.2979)



Christopher Smart

SHAREHOLDER

Tampa

☎ 813.229.4142

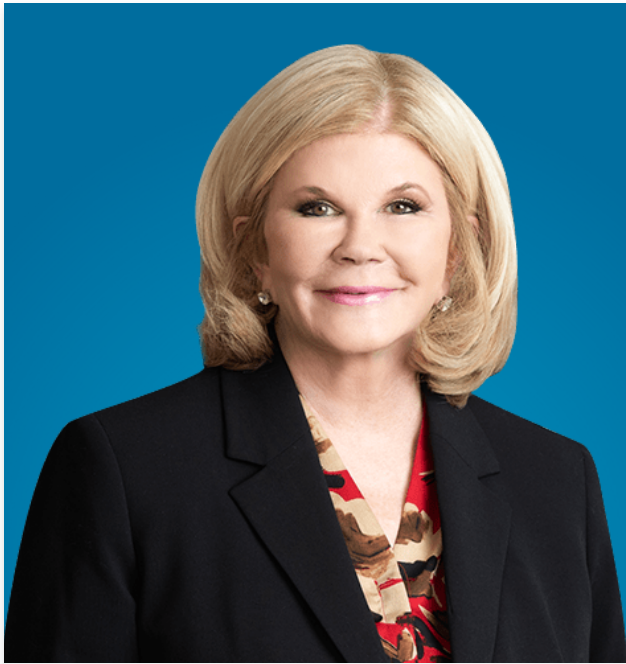


Irma Reboso Solares

SHAREHOLDER

Miami

☎ 305.347.6843



Lee Stapleton

SHAREHOLDER

Miami

☎ 305.530.4076



Jonathan Sterling

SHAREHOLDER

Hartford

☎ 860.392.5042



Benjamin M. Stoll

SHAREHOLDER

Washington, D.C.

☎ [202.965.8160](tel:202.965.8160)



Charles W. Stotter

OF COUNSEL

New York

☎ [212.430.5512](tel:212.430.5512)



J. Coy Stull

OF COUNSEL

Tampa

☎ 813.229.4120



Stacey K. Sutton

SHAREHOLDER

Washington, D.C.

☎ 202.965.8172



Charles W. Throckmorton

SHAREHOLDER

Miami

☎ 305.539.7284



Nora A. Valenza-Frost

OF COUNSEL

New York

☎ 212.380.9631



Julian C. Velez

ASSOCIATE

Tampa

☎ 813.229.4968



Sylvia H. Walbolt

SHAREHOLDER

Tallahassee

☎ 850.425.3396



Carter J. Wallace

ASSOCIATE

New York

📞 [212.380.9630](tel:212.380.9630)



James Michael Walls

OF COUNSEL

Tampa

📞 [813.229.4257](tel:813.229.4257)



David J. Walz

SHAREHOLDER

Tampa

☎ 813.229.4174



Charlotte L. Warren

OF COUNSEL

Orlando

☎ 407.244.8231



Peter D. Webster

SHAREHOLDER

Tallahassee

☎ 850.513.3600



Aaron S. Weiss

SHAREHOLDER

Miami

☎ 305.539.7382



Barry Leigh Weissman

SHAREHOLDER

Los Angeles

☎ [310.843.6322](tel:310.843.6322)



Jeffrey L. Williams

OF COUNSEL

Hartford

☎ [860.392.5020](tel:860.392.5020)



Peter J. Winders

SHAREHOLDER AND GENERAL COUNSEL

Tampa

☎ 813.229.4332



Michael N. Wolgin

SHAREHOLDER

Miami

☎ 305.347.6880



David R. Wright

SHAREHOLDER

Tampa

☎ 813.229.4355



Henry S. Wulf

SHAREHOLDER

West Palm Beach

☎ 561.650.8042



Michael L. Yaeger

SHAREHOLDER

New York

📞 [212.380.9623](tel:212.380.9623)



J. Ryan Yant

SHAREHOLDER

Tampa

📞 [813.229.4925](tel:813.229.4925)



Jennifer A. Yasko

SHAREHOLDER

West Palm Beach

📞 [561.650.8047](tel:561.650.8047)



Garth T. Yearick

SHAREHOLDER

West Palm Beach

📞 [561.650.0330](tel:561.650.0330)



Gwynne A. Young

SHAREHOLDER

Tampa

☎ 813.229.4333



Kim S. Zeldin

OF COUNSEL

Los Angeles

☎ 310.843.6348



Michael G. Zilber

ASSOCIATE

Miami

📞 305.530.4058



Alana Zorrilla-Gaston

SHAREHOLDER

West Palm Beach

📞 561.659.7070

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