

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

02.01.2024

"Helter Skelter:" Lyrics Matter

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

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)

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

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

05.25.2023

Proposed Rule Provides Guidance for Initial Case Management in MDLs

05.25.2023

STOLI Fallout: Stepping Into the Post-Void

05.25.2023

Medical Incapacity Does Not Toll Life Insurance Conversion Period

05.03.2023

Practical Pointers for Working with In-House Counsel

04.29.2023

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

01.10.2023

Appearing in the Red Glare of the Rocket Docket

01.06.2023

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

01.01.2023

Who's Zoomin' Who?

Litigation Journal

12.24.2022

2022 Amendments to the Southern District of Florida Local Rules

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?

10.19.2022

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

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Legal Research: The Old Way Versus the New

09.29.2022

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

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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

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

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Applying New Fla. Settlement Proposal Rule To Pending Cases

07.18.2022

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

06.30.2022

Top 10 First Amendment Cases of the Supreme Court Term

06.01.2022

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

05.11.2022

DOL Stakes Out New Fiduciary Concept: Plaintiffs Would Uproot It

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When Hidden Truths Become Material Misrepresentations

05.11.2022

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

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Must ERISA Actuarial Equivalence Be “Reasonable”?

04.08.2022

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

02.04.2022

New Amendments to the Southern District of Florida Local Rules

01.21.2022

The Disappearing Oral Argument

12.23.2021

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

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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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Tips and Strategies for Successful Mass Tort Management

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Hunstein and the FCCPA

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Resolving When Fla. Consumer Statute Gives Cos. Standing

10.13.2021

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

08.01.2021

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.

11.07.2020

Forum Selection May Be Viable For Fla. Consumer Claims

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Preserving Arguments: Playing "Hide the Ball" Can Be Costly

09.22.2020

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

09.03.2020

Life Industry Class Action Trends in the First Half of 2020

09.03.2020

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

09.03.2020

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?

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

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What Split on Standing Means for Fla. Consumer Claims

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Rejecting Precedent: What Cases About Abortion Rights and the Sixth Amendment Teach Us About Preserving Objections to Existing Case Law

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Peremptory Strike: Preserving Every Error During a Peremptory Challenge

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Why Fla. Courts Are Split on Unfairness Under Consumer Law

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Mastering "Zoom Advocacy"

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Florida's Fourth District Gives Protection to an Obvious Secret

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

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The Thirteenth Judicial Circuit Professionalism Committee

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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

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

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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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Food for Thought: A Review of 2018 Litigation

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FINRA's New Report on Broker-Dealer Cybersecurity Practices

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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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Timely and Specific: Making Objections to Federal Magistrate Reports

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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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Motions for Directed Verdict: Failure to Move Is At Your Peril!

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Good for the Goose, Good for the Gander: Waiver of a Waiver Objection

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Objecting to Violations of Prior Rulings

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For Want Of A Deadline: Avoiding A Jurisdictional Pitfall

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Together, But Independent – Finality Under Rule 42(a) Consolidation

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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

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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

02.18.2016

Arbitration Award Overturned Because Panel Not Impartial

10.01.2015

Has the Supreme Court Thrown Health Care Regulation Into Disarray?

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Sure I Can or Sure I Can't?

04.01.2015

Recent Developments in Business and Corporate Litigation

09.13.2013

Two U.S. Supreme Court Opinions Enforce Arbitration Agreements

03.25.2013

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

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The Pass-On Problem in Indirect Purchaser Class Litigation

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