

# Nancy J. Faggianelli

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## Overview

Nancy Faggianelli represents business clients, financial institutions, and insurance companies in class actions and complex litigation in state and federal courts. She has substantial experience defending and prosecuting a wide variety of claims, including shareholder derivative claims, contractual disputes, securities claims, insurance coverage claims, product liability, infringement of intellectual property rights, misappropriation of trade secrets, professional liability, noncompetition agreements, and business torts.

Nancy has tried cases in the areas of breach of contract, insurance, infringement of intellectual property rights, defamation, employment discrimination, and product liability, and she has won injunctions in cases involving intellectual property rights, noncompetition agreements, and tortious interference with business relationships.

Nancy also has extensive experience in product liability cases, having tried two smoking and health cases for a major tobacco company, one of which was featured as the "Verdict of the Week" in the *National Law Journal*, and having defended over 20 other cases that were dismissed or resolved on summary judgment.

She serves as the firm's chief diversity officer.

## Experience

### Class Actions and MDL Representation

- Defended consumer class action filed against an internet services company for violations of the Computer Fraud and Abuse Act and the Florida Deceptive and Unfair Trade Practices Act that settled after decertification.
- Defended shareholder fraud class action in the insurance industry that settled after denial of class certification.
- Defended a class action against a financial institution involving claims of breach of duty and aiding and abetting that was dismissed with prejudice and upheld on appeal.
- Defended shareholder derivative class action regarding transactions between related insurance companies that settled after denial of class certification.
- Appointment as liaison counsel for insurance agents across the country in MDL regarding sales practices of a major insurance company.

### **Representation of Financial Institutions**

- Defended financial institution in tax strategy litigation involving claims of fraud and breach of contract against financial institutions, accounting professionals, and attorneys.
- Prosecution of professional liability claim against international accounting firm based on representations made to national bank to fund a billion-dollar acquisition.
- Defended a national bank against claims of conspiracy, aiding and abetting, negligence, and breach of duties brought by the receiver of a depositor who had operated a massive Ponzi scheme.
- Defended NASD arbitrations involving allegations of fraud, unsuitability, and other breaches by securities brokers.
- Defended broker-dealers of claims by elderly person alleging improper management of investments.

### **Representation of Insurance Companies**

- Defended coverage actions involving various types of policies, including life insurance, property and casualty, and environmental coverage claims.
- Defended more than 100 lawsuits alleging broker fraud and misconduct in a national MDL.
- Defended multiple lawsuits alleging bad faith and intentional tortuous conduct in the handling of workers' compensation claims.
- Defended bad faith and breach of duty claims brought by shareholders.
- Defended claims by elderly plaintiffs alleging that insurance agents misrepresented the benefits of using equity in existing policies to purchase additional policies.

### **Intellectual Property Matters**

- Landmark prosecution of claims against the state of Florida for the unconstitutional taking of property rights to a patented method to clean waterways.
- Prosecution of litigation to enforce intellectual property rights transferred in the acquisition of a manufacturer of insulation products.
- Prosecution of litigation to enforce intellectual property rights and noncompetition provision in acquisition agreements for international swimming pool products company.
- Co-counsel and local counsel with national and international law firms in numerous patent infringement cases.

### **Trials and Appellate Representation**

- Jury trial in state court of claims that insurer committed intentional torts in handling plaintiff's workers' compensation claim, resulting in settlement before the conclusion of the defendant's case.
- Jury trial in federal court of an employment discrimination claim based on alleged sexual harassment, resulting in a directed verdict.
- Jury trial in federal court in product liability action involving water pipes used in rural communities throughout the Midwest, concluding in settlement before verdict.
- Bench trial in state court involving claims of breach of contract and breach of fiduciary duty, resulting in a defense verdict.
- Bench trial in state court involving claims of breach of contract and civil theft in connection with the acquisition of controlling shares of privately held corporation, resulting in a defense verdict.
- Jury trial in federal court involving claims of defamation and age discrimination brought by former president of corporation who was, in fact, terminated for paying illegal kickbacks, resulting in a defense verdict.
- Jury trials in state court involving smoking and health claims against a major tobacco company, resulting in one defense verdict and one plaintiff's verdict.
- Bench trial in state court to enjoin foreclosure on a nationally franchised hotel resulting in an order enjoining foreclosure.
- Bench trial in state court defending breach of contract claims concerning construction of the Tampa Bay Performing Arts Center.
- Bench trials before administrative law judges regarding establishment of new automobile dealerships in Florida.
- Bench trials in state court to terminate parental rights.
- Appeals and oral arguments before the Florida Supreme Court, the Second District Court of Appeal, and the Eleventh Circuit Court of Appeals.

### **Representative Cases**

- *O'Halloran v. First Union Nat'l Bank of Fla.*, 322 F. App'x 900 (11th Cir. 2009).
- *Shaunnessey v. Monteris Med., Inc.*, 554 F. Supp. 2d 1321 (M.D. Fla. 2008).
- *Chacoa v. Mahon*, 970 So. 2d 909 (Fla. 1st DCA 2007).
- *Polaris Pool Sys., Inc. v. Great Am. Waterfall Co.*, No. 8:05-cv-01679, 2006 WL 289118 (M.D. Fla. Feb. 7, 2006).
- *Crum Staffing, Inc. v. Nat'l Union Fire Ins. Co. of Pittsburgh*, No. 8:06-cv-01222, 2006 WL 3289265 (M.D. Fla. Nov. 9, 2006).
- *Fugate v. Reliastar Life Ins. Co.*, No. 5:04-cv-00245, 2005 WL 1225006 (M.D. Fla. May 23, 2005).
- *Innova/Pure Water, Inc. v. Safari Water Filtration Sys.*, 289 F. Supp. 2d 1347 (M.D. Fla. 2003).
- *Thomas v. AIG Mktg., Inc.*, No. 8:02-cv-01345, 2003 WL 25781418 (M.D. Fla. Oct. 16, 2003).
- *Jacobs v. Nintendo of Am., Inc.*, No. 6:01-cv-01379, 2003 WL 25738602 (M.D. Fla. Jan. 31, 2003).
- *O'Halloran v. First Union Nat'l Bank of Fla.*, 205 F. Supp. 2d 1296 (M.D. Fla. 2002).
- *Harper v. United Healthcare of Fla., Inc.*, 793 So. 2d 945 (Fla. 2d DCA 2001).
- *Miles v. Am. Online, Inc.*, 202 F.R.D. 297 (M.D. Fla. 2001).
- *In re Ins. Mgmt. Sols. Grp.*, No. 8:00-cv-02013, 2001 WL 34106903 (M.D. Fla. July 11, 2001).
- *Ahern v. George H. Dikman Ins. Agency*, 748 So. 2d 267 (Fla. 2d DCA 1999).
- *In re W.Y.*, 723 So. 2d 361 (Fla. 2d DCA 1998).
- *Kinney v. Univ. Cmty. Hosp.*, 718 So. 2d 183 (Fla. 2d DCA 1998).
- *Anthony Distrib. Co. v. Climo*, 675 So. 2d 934 (Fla. 2d DCA 1996).
- *In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 975 F. Supp. 584 (D.N.J. 1996).
- *Unkel v. Liggett Grp.*, 175 F.R.D. 474 (M.D. Fla. 1997).
- *Hollingsworth v. Iwerks Entm't, Inc.*, 947 F. Supp. 473 (M.D. Fla. 1996).
- *Stone v. Stone*, 657 So. 2d 1256 (Fla. 2d DCA 1995).
- *Curry v. Galencare, Inc.*, 641 So. 2d 75 (Fla. 2d DCA 1994).
- *Jacobs Wind Elec. Co. v. Dep't of Transp.*, 626 So. 2d 1333 (Fla. 1993).
- *Martin v. Carroll Graphics Corp.*, 804 F. Supp. 311 (M.D. Fla. 1992).

## Areas of Focus

### Practices

- Mass Tort and Product Liability
- Litigation and Trials
- Securities Litigation and Enforcement
- FINRA Enforcement, Arbitration, and Appeals

### Industries

- Property & Casualty Insurance

# Insights

10.27.2021

In Memoriam: Eurich Z. Griffin

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10.06.2017

Georgia Federal Court Rules on Questions of Efficient Proximate Cause, Manifestation/Continuous Trigger and Pro Rata Allocation of Damages

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12.19.2016

Dismissal for Drugmaker Affirmed: Galectin Had No Duty to Disclose Payments to Promoters

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07.14.2016

Securities Fraud Update: Eleventh Circuit Clarifies Section 17(a) and Rule 10b-5 Analyses

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06.19.2009

Opportunities and Challenges Presented by Social Media

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05.01.2006

Leveraging Choice of Law Provisions

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# News

05.26.2023

Nancy Faggianelli Interviewed in Daily Business Review: “Diversity and Inclusion - Individual: ‘Don't Let the Small Pipeline of Diverse Talent Slip Away’”

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03.22.2023

Daily Business Review Names Carlton Fields and Nancy Faggianelli Florida Legal Award Honorees

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11.28.2022

When Diversity Starts at the Top for Law Firms

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07.22.2022

Carlton Fields Recognized in Vault's 2023 Best Law Firms for Diversity

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01.27.2022

Carlton Fields Recognized for LGBTQ+ Equality in the Workplace

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01.27.2022

Carlton Fields Earns Perfect Score in Corporate Equality Index for 13th Consecutive Year

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04.16.2021

Carlton Fields' Nancy Faggianelli Featured in Tampa Bay Business Journal's People to Know in Law

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02.05.2021

Carlton Fields Recognized for LGBTQ Inclusivity Ranking

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01.28.2021

Carlton Fields Earns Perfect Score in Corporate Equality Index for 12th Consecutive Year

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09.22.2020

Vault Recognizes Carlton Fields as a 2021 Best Law Firm for Diversity

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08.07.2020

Carlton Fields Leaders Featured in Tampa Bay Business Journal Article About Workplace Inclusivity

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07.27.2020

Carlton Fields Joins Law Firm Antiracism Alliance

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01.24.2020

Carlton Fields Earns Perfect Score in Corporate Equality Index for 11th Consecutive Year

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07.03.2019

Vault Recognizes Carlton Fields as Top Law Firm in the U.S. for Diversity

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03.29.2019

Carlton Fields Earns Perfect Score in Corporate Equality Index for 10th Consecutive Year

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09.19.2018

Nine Tips for Building a Diverse and Inclusive Law Firm

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06.28.2018

Carlton Fields Recognized as a Leader for Diversity

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06.28.2018

Vault Recognizes Carlton Fields as Top Law Firm for Diversity

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01.13.2018

After Hate Group Sues Tampa to Overturn Prohibition of Dangerous Conversion Therapy for Minors, Equality Florida Files Motion to Defend the Ban Alongside the City of Tampa

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11.09.2017

Ninth Consecutive Year Carlton Fields Earns Perfect Score in Corporate Equality Index

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10.30.2017

Carlton Fields Named Top Performer By Leadership Council on Legal Diversity

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08.02.2017

Law360 Names Carlton Fields a Top Law Firm For Associates and Female and Minority Equity Partners

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07.23.2017

Law360 Names Carlton Fields a Top Law Firm For Female Partners

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06.28.2017

Carlton Fields is a Top Law Firm in U.S. for Diversity

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05.30.2017

American Lawyer Ranks Carlton Fields Top Law Firm for Diversity

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# Recognition

- *The Best Lawyers in America*, Commercial Litigation, Mass Tort Litigation/Class Actions – Defendants, Product Liability Litigation – Defendants (2024)
- Diversity and Inclusion Award, *Daily Business Review* (2023)
- Multicultural Leadership Award, Florida Diversity Council (2016)
- LGBT-Allies Leader Award, Florida Diversity Council (2014)
- Diversity Officer Leadership Award, Diversity Best Practices (2008)

# Professional & Community Involvement

- American Bar Association
  - Minority Trial Lawyer Committee, Section of Litigation
- The Florida Bar
  - Civil Procedure Rules Committee
    - Electronic Discovery Subcommittee
    - Chair, Subcommittee on Rule 1.351
  - Chair, Thirteenth Circuit Grievance Committee (1998–1999, 2005–2006)
  - Business Litigation Committee, Business Law Section
- Equality Florida
- Federal Bar Association
  - Board of Directors, Tampa Chapter
- Ferguson-White American Inn of Court
  - Master (1999–2003)
- Hillsborough Association for Women Lawyers
  - Treasurer (2001–2002)
- Hillsborough County Bar Association

# Speaking Engagements

- “Equality Means Business: The Business Case For Diversity and Inclusion,” Tampa Rotary Club Meeting, Tampa, FL (June 4, 2019)
- “Litigation and Dispute Resolution Management: Aligning Strategy, Budget and Support,” Martindale-Hubbell Counsel to Counsel Forum, Chicago, IL (June 19, 2009)



- "Bad Faith Claims," Association of Workers' Compensation Claims Professionals Leadership Conference, Naples, FL (2008)

## Credentials

### Education

- University of Florida College of Law (J.D., with honors, 1982)
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  - Editor, *Florida Law Review*
- University of Florida (B.A., 1976)

### Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

### Bar Admissions

- Florida