



## Scott D. Feather

SHAREHOLDER

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## Overview

Scott Feather, a commercial litigator and trial attorney, defends and prosecutes a diverse range of disputes, including complex matters, in both federal and state court, and in arbitration. He represents national title insurance underwriters, financial institutions, lenders, creditors, developers and construction companies, and closely held companies.

Scott's commercial litigation experience includes general disputes between businesses involving contract and business-related tort claims, defending companies in class actions and officers and directors in derivative actions and merger challenges, and disputes between closely held companies and their members and officers.

His real property practice involves investigating and litigating title insurance claims and disputes on behalf of title insurance companies as well as their insureds. He represents financial institutions in commercial disputes and lender liability claims and has prosecuted numerous commercial and residential foreclosures to finality. He also regularly defends financial institutions and the companies that have particular exposure to consumer-related statutory claims, such as the TCPA, the FCRA, and the FCCPA.

In addition, he represents companies in construction-related disputes, prosecuting and defending against claims and contract disputes relating to work performed on multimillion-dollar projects, and defending developers against claims alleging defective construction and code violations.

# Experience

- Represented developers in lawsuit seeking to rescind their purchase of hotel property, obtaining directed verdict on claims against developers after seven-day jury trial in the Southern District of Florida.
- Defends financial institutions and companies against claims asserting violations of the TCPA, the FCCPA, and the FCRA.
- Represented member of closely held LLC, defending against a variety of claims from other members and obtaining favorable ruling regarding applicability of Florida statute limiting manager's and managing member's personal liability for monetary damages.
- Defended title insurance underwriters against closing protection letter and statutory defalcation claims.
- Defended board of directors of publicly traded company in action for breach of fiduciary duty, obtaining dismissal of derivative claims.
- Represented developer against condominium associations seeking to block development and prevent developer from maintaining its property, obtaining favorable rulings and judgment following trial, which was affirmed on appeal.
- Defended developers against claims brought by condominium purchasers.
- Represented general contractors in litigation and disputes with owners regarding performance of work on multimillion-dollar projects.
- Represented company in connection with threatened shareholder lawsuit to enjoin merger based on alleged breach of fiduciary duties, inadequate consideration, and inaccurate disclosures.
- Represented title insurance underwriter in obtaining ex parte injunction and appointment of a receiver against title agent that allegedly made improper transfers from its escrow account.
- Represented members of closely held LLC in dispute with other members, seeking dissolution of LLC, and defending against counterclaims, including tortious interference and fraud claims.
- Defended publicly traded corporation in merger class action asserting breach of fiduciary duty and disclosure violations.
- Obtained judgments in favor of lenders against commercial borrowers for foreclosure and for deficiencies.
- Defended lender in commercial dispute involving UCC, civil theft, and conversion claims.
- Obtained favorable ruling for lender on unsettled issue regarding a debtor's obligations in connection with state court foreclosure litigation following debtor's "surrender" of real property in a bankruptcy proceeding.
- Obtained reversal on appeal of nonfinal order on arbitration that delegated the determination of certain threshold issues to arbitrator.

- Prosecuted multiple actions on behalf of commercial property owners against commercial tenants for eviction and damages for breach of contract and guaranties.

## Areas of Focus

### Practices

- Real Property Litigation
- Real Estate
- Litigation and Trials
- Securities Litigation and Enforcement
- Telephone Consumer Protection Act
- Development
- Title Insurance
- Class Actions

### Industries

- Real Estate

## Insights

03.25.2024

Real Property, Financial Services, & Title Insurance Update: Week Ending March 22, 2024

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10.22.2021

Hunstein and the FCCPA

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10.07.2016

Surrendering Your Property in Bankruptcy Means You Must Actually Surrender It

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09.16.2014

In for One, and Only One – Title Insurers' Limited Duty to Defend

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## News

03.07.2022

Carlton Fields Recognized as JD Supra's Readers Choice Award's Top Law Firm for Insurance for Fifth Consecutive Year

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03.31.2021

Carlton Fields Recognized as JD Supra's Readers Choice Award's Top Law Firm for Insurance for Fourth Consecutive Year

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06.11.2020

Apeiron at the Jockey Club Developer Wins Key Ruling from Appeals Court

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06.05.2020

Third District Court of Appeal Upholds Carlton Fields Client Apeiron's Real Property and Development Rights

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05.01.2020

Carlton Fields Recognized as 2020 Top Firm for Insurance for Third Consecutive Year

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08.22.2019

Carlton Fields Obtains Directed Verdict in Real Property Lawsuit in Federal Court

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08.19.2019

Media Spotlights Carlton Fields' Client Win in Complex Title Dispute

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08.13.2019

Carlton Fields Clients Win Complex Title Dispute Over Sea Bonay Beach Resort in Hillsboro Beach

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02.12.2019

10 Carlton Fields Attorneys Elected to Shareholder

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08.15.2018

Green Light for Miami Developer

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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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06.29.2018

Carlton Fields Ranked Top Firm and Attorneys Named Legal Leaders in Florida Trend Magazine’s 2018 “Legal Elite”

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07.11.2017

Judge Rules in Favor of Firm Client Apeiron Miami, LLC of Development at Jockey Club

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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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## Recognition

- *The Best Lawyers in America*, Commercial Litigation (2024)
- Top Author, *JD Supra* Readers' Choice Awards (2020–2022)
- Florida Super Lawyers, *Super Lawyers Magazine* (2023)
- Florida Rising Stars, *Super Lawyers Magazine* (2013–2019)
- Florida Legal Elite, *Florida Trend Magazine* (2019)
- Florida Legal Elite Up & Comers, *Florida Trend Magazine* (2014, 2016–2018)

## Professional & Community Involvement

- American Bar Association
- Federal Bar Association
- Hillsborough County Bar Association
- Hyde Park United Methodist
- Leadership Tampa Bay, Class of 2019
- Tampa Connection, Class of 2015
- South Tampa YMCA
  - Advisory Board

# Speaking Engagements

- "Determining Title Insurance Loss: Diminution in Value," Carlton Fields (January 25, 2024)
- "Handling Title Insurance Claim Litigation and Suits Against Title Insurance Companies," Fidelity National Title Group (August 16, 2023)

# Credentials

## Education

- Stetson University College of Law (J.D., summa cum laude, 2009)
  - National Order of the Barristers
  - Chief Justice, Moot Court Board
  - *Stetson Law Review*
  - E. Harris Drew Memorial Award
- Wake Forest University (B.A., magna cum laude, 2005)
  - Member of WFU's men's basketball team (ranked as high as No. 1 nationally in 2004–05 season)

## Court Admissions

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

## Bar Admissions

- Florida

# Background

- Associate, Trenam Kemker, Tampa, FL (2009–2013)