



# Michael D. Sloan

SHAREHOLDER

WEST PALM BEACH NEW YORK

📞 561.822.2979

📞 212.785.2577

📠 561.659.7368

📠 212.785.5203

CONNECT

✉️ [msloan@carltonfields.com](mailto:msloan@carltonfields.com)

🌐 [LinkedIn](#)

## Overview

Michael Sloan is a trial and appellate litigator who focuses on business disputes, product liability cases, multidistrict litigation (MDL), and other complex civil litigation in state and federal courts.

Michael has represented clients in a variety of business disputes, ranging from business valuations to RICO actions, restrictive covenants, probate-related litigation, and cases involving foreign sovereign immunity. In the product liability arena, Michael has defended a global cosmetics manufacturer in talc-related personal injury suits, including obtaining international discovery in the United Kingdom, and Michael previously defended a global airbag manufacturer in MDL proceedings.

Michael has first-chair jury trial experience in federal court and has argued in Florida and New York trial courts on a variety of matters. Michael began his career as an appellate litigator and has argued appeals before the Florida Supreme Court, the Eleventh Circuit Court of Appeals, and Florida's Second and Fourth District Courts of Appeal, and has served as counsel of record in a petition to the Supreme Court of the United States. Michael's approach to advocacy is informed by his experience throughout the trial and appellate processes.

Prior to joining the firm, Michael was a staff attorney for the Eleventh Circuit Court of Appeals in Atlanta.

## Experience

- *Bhattacharya v. State Bank of India*, No. 23-390 (U.S.) (counsel for respondent in the U.S. Supreme Court successfully opposing review of Seventh Circuit decision affirming dismissal based on the Foreign Sovereign Immunities Act).
- *Bhattacharya v. State Bank of India*, 70 F.4th 941 (7th Cir. 2023) (counsel for appellee State Bank of India in obtaining affirmance of district court dismissal based on lack of subject matter jurisdiction under the Foreign Sovereign Immunities Act).
- *Bhattacharya v. State Bank of India*, No. 1:20-cv-03361 (N.D. Ill.) (counsel for defendant State Bank of India in obtaining dismissal based on lack of subject matter jurisdiction under the Foreign Sovereign Immunities Act).
- *Woodward v. Morell*, 319 So. 3d 47 (Fla. 4th DCA 2021) (counsel for personal representative in appeal of summary judgment in breach of contract action).
- *Woodward v. Morell*, No. 2018-CA-010541 (Palm Beach Cir. Ct.) (counsel for personal representative of estate in obtaining summary judgment in breach of contract action).
- *Birch v. Publix Super Markets, Inc.*, No. 2018-CA-014125 (Broward Cir. Ct.) (counsel for defendants in obtaining order permitting international discovery under the Hague Evidence Convention).
- *Schaeffer v. Dowling & Hales, LLC*, No. 2018-CA-004190 (Palm Beach Cir. Ct.) (counsel for defendant in obtaining order overruling objections to written discovery from out-of-state accountants, on conflicts of law grounds). Read the [Order](#) and [Supplemental Memorandum](#).
- *In re Takata Airbag Prods. Liab. Litig.*, No. 1:15-md-02599 (S.D. Fla.) (counsel for Takata Corp. and TK Holdings Inc. in federal multidistrict litigation).
- *Am. Bus. USA Corp. v. Fla. Dep't of Revenue*, 137 S. Ct. 1067 (U.S.) (counsel for petitioner in the U.S. Supreme Court seeking review of Florida Supreme Court decision on sales tax assessment under Due Process Clause and dormant Commerce Clause). [Read the post on SCOTUSblog](#).
- *Bluefield Ranch Mitigation Bank Tr. v. S. Fla. Water Mgmt. Dist.*, 263 So. 3d 125 (Fla. 4th DCA 2018) (counsel for appellant seeking review of agency order denying for lack of standing mitigation bank's request for formal administrative proceeding to review road project permit).
- *Winn-Dixie Stores, Inc. v. Dolgencorp, LLC*, 881 F.3d 835 (11th Cir. 2018) (counsel for appellants seeking review of district court orders regarding enforcement of restrictive real property covenants for, among other grounds, adherence to appellate mandate).
- *State, Dep't of Health v. Bayfront HMA Med. Ctr., LLC*, 236 So. 3d 466 (Fla. 1st DCA 2018) (counsel for appellant seeking reversal of temporary injunction enjoining operation of provisional trauma center).
- *Desai v. Lawnwood Med. Ctr., Inc.*, 219 So. 3d 869 (Fla. 4th DCA 2017) (counsel for appellee seeking affirmance of order dismissing doctor's suit for non-reappointment to medical staff based on doctor's failure to exhaust his administrative remedies).
- *Keller v. Lawnwood Med. Ctr., Inc.*, 219 So. 3d 879 (Fla. 4th DCA 2017) (counsel for appellee seeking affirmance of order dismissing doctor's suit for non-reappointment to medical staff based on doctor's failure to exhaust his administrative remedies).

- *Futernick v. Trushina*, 207 So. 3d 329 (Fla. 3d DCA 2016) (counsel for appellee in appeal of orders granting delay damages, after affirmance of bonded final judgment that granted specific performance of real estate contract).
- *Goble v. Gilbert*, No. 16-11574 (11th Cir. June 21, 2016) (counsel for trustee seeking dismissal of appeal and sanctions against litigant for filing frivolous appeal); *In re N. Am. Clearing, Inc.*, 6:08-ap-00145, 2017 WL 117525 (Bankr. M.D. Fla. Jan. 12, 2017) (order setting amount).
- *SEC v. N. Am. Clearing, Inc.*, 656 F. App'x 969 (11th Cir. 2016) (counsel for appellee seeking affirmance of district court order denying leave to sue trustee under *Barton* doctrine).
- *HCA Health Servs. of Fla., Inc. v. CyberKnife Ctr. of Treasure Coast, LLC*, 204 So. 3d 469 (Fla. 4th DCA 2016) (counsel for appellant seeking reversal of judgment for breach of contract based on improper measure of damages and contractual waiver of consequential damages).
- *Fla. Dep't of Revenue v. Am. Bus. USA Corp.*, 191 So. 3d 906 (Fla. 2016) (counsel for appellee before Florida Supreme Court seeking to uphold decision of Fourth District Court of Appeal that reversed tax assessment under dormant Commerce Clause).
- *Sands Bros. Venture v. Huff*, No. 654168/2012 (N.Y. Sup. Ct. June 3, 2015) (counsel for defendants seeking dismissal of complaint for lack of personal jurisdiction and failure to state a claim).
- *Am. Bus. USA Corp. v. Dep't of Revenue*, 151 So. 3d 67 (Fla. 4th DCA 2014) (counsel for appellant before Fourth District Court of Appeal seeking reversal of tax assessment on out-of-state flower sales under dormant Commerce Clause).
- *Dubow v. Acree*, 148 So. 3d 146 (Fla. 2d DCA 2014) (counsel for appellee in action for quiet title and breach of fiduciary duty).
- *Futernick v. Trushina*, 146 So. 3d 63 (Fla. 3d DCA 2014) (counsel for appellee/cross-appellant in appeal of order granting specific performance of real estate contract).

## Areas of Focus

### Practices

- [Mass Tort and Product Liability](#)
- [Appellate & Trial Support](#)
- [Litigation and Trials](#)
- [Class Actions](#)

### Insights

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

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11.05.2021

Waiving the Personal Jurisdiction Defense

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10.03.2018

New York Law Journal: Criminal Immunity Under FSIA, and Civil RICO Liability for Foreign Sovereigns

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06.28.2016

Excluded Evidence: Is Your Proffer Sufficient To Preserve The Error?

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01.12.2016

Pretrial Problems: Don't Forfeit Your Personal-Jurisdiction Defense

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10.15.2013

Number of Employees as an Element of Florida's Private Sector Whistle-blower Act: Guidance from Federal Employment Case Law

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## News

02.25.2020

5 Carlton Fields Attorneys Elected to Shareholder

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10.03.2018

The Sound of Silence: Criminal Immunity for Foreign Sovereigns Under the FSIA, and Civil RICO Liability for Foreign Sovereigns in the Second Circuit

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07.11.2018

Carlton Fields Attorneys Detail Appellate Court Victory

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06.01.2017

Takata, Honda Get Claims Trimmed in Air Bag MDL

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01.31.2017

Florist Urges Supreme Court to Review E-Commerce Tax Rules

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## Recognition

- *The Best Lawyers in America: Ones to Watch*, Appellate Practice (2023–2024), Product Liability Litigation – Defendants (2024)
- Florida Rising Stars, *Super Lawyers Magazine* (2022–2023)

## Professional & Community Involvement

- American Bar Association
- The Florida Bar
  - Appellate Practice Section
- Palm Beach County Bar Association

## Pro Bono

### Pro Bono

- *Chatman v. Ft. Lauderdale Police Dep't*, 688 F. App'x 870 (11th Cir. 2017) (counsel for appellee seeking affirmance of district court order denying qualified immunity for excessive force during arrest). [Listen to the argument](#).
- *Chatman v. Wengert*, No. 0:14-cv-62793 (S.D. Fla. Oct. 23–26, 2017) (jury trial; first-chair for plaintiff on claim of excessive force during arrest).
- *Clemency Project 2014* (representation of federal inmate, convicted on drug charges, in obtaining commutation from President Obama). [Read the Executive Grant of Clemency](#).
- *Wollschlaeger v. Governor, Fla.*, 848 F.3d 1293 (11th Cir. 2017) (en banc) (counsel for amicus curiae American Bar Association seeking rehearing of panel opinions and en banc affirmance of district court injunction precluding enforcement of Florida Firearm Owners' Privacy Act).
- *In re Adoption of D.P.P.*, 158 So. 3d 633 (Fla. 5th DCA 2014) (counsel for appellant in appeal of order vacating adoption by same-sex partner).

# Credentials

## Education

- Boston University School of Law (J.D., magna cum laude, 2010)
- University of Pennsylvania (B.A., 2006)

## Bar Admissions

- Florida
- New York

## Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York

## Clerkships

- Staff Attorney, U.S. Court of Appeals, Eleventh Circuit