



Charles W. Throckmorton

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Overview

Charles Throckmorton focuses his practice on complex commercial litigation, consumer class action defense, and cryptocurrency litigation, with specific experience litigating cases involving trade secrets, software, breach of contract, vendor disputes, unfair competition, and fraud. In addition, Charles has represented financial institutions in lender liability and commercial foreclosure actions and frequently defends corporate clients in consumer class actions, including those involving the Telephone Consumer Protection Act (TCPA), the Fair Credit Reporting Act (FCRA), the Employee Retirement Income Security Act (ERISA), and the Fair Labor Standards Act (FLSA).

Charles's cryptocurrency litigation experience includes serving as lead counsel in dozens of matters in state and federal courts around the country, as well as in arbitration before JAMS and AAA. In this space, Charles has represented one of the world's leading cryptocurrency exchanges, as well as bitcoin ATM operators and bitcoin mining entities.

In the employment law context, Charles has represented clients in matters involving the FLSA, the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), and other statutes. Charles defends clients in cases involving wage and hour disputes, FLSA misclassification, and allegations of retaliation or discrimination, and also represents clients before the EEOC.

Charles represents clients in the consumer finance, banking, real estate, transportation, telecommunications, cryptocurrency, electronic gaming, and pharmaceutical industries. He has state and federal jury trial experience, including as lead trial counsel.

Prior to joining Carlton Fields, Charles worked at the Peace Palace in The Hague, Netherlands, monitoring the International Criminal Court for the International Bar Association. A Miami native, he stays involved in the community through work with the March of Dimes and other organizations.

Experience

Commercial Litigation

- Successfully represented art collector in federal suit to recover high-value paintings, involving claims for conversion, unjust enrichment, replevin, and violations of the Florida Deceptive and Unfair Trade Practices Act.
- Obtained favorable settlement in representing individual defendant in first-of-its-kind Federal Trade Commission (FTC) cryptocurrency enforcement action.
- Obtained judgment on behalf of national bank in multiday trial as lead trial counsel.
- Obtained favorable settlement on behalf of title company in breach of contract, unjust enrichment, and negligent misrepresentation case against commercial seller concerning closing funds.
- Defended, as a member of trial team, software company and executive in two-week trade secret and unfair competition trial resulting in a zero verdict.
- Obtained favorable settlement and quasi-injunctive relief representing digital advertisement company against competitor.
- Obtained favorable settlements representing telecommunications company in four simultaneous federal lawsuits seeking compensation from vendors involved in the deliberate exploitation of defective software.
- Obtained dismissal with prejudice of all claims on behalf of national bank in federal class action seeking to quiet title to thousands of properties and void valid and enforceable notes and mortgages.
- Defended software program manager in four-week federal jury trial involving trade secrets and defamation claims.
- Represented national health care provider in noncompete and nonsolicitation litigation involving physicians practice groups.

Class Action Defense

- *Taylor v. Citizens Telecom Servs. Co.*, No. 8:20-cv-00509 (M.D. Fla. 2020) (ERISA/COBRA).
- *Diaz v. Chapters Health Sys., Inc.*, No. 8:18-cv-03052, 2019 WL 1498873 (M.D. Fla. Apr. 1, 2019) (FCRA/FACTA).
- *Sawyer v. Intermex Wire Transfer, LLC*, No. 1:19-cv-22212, 2019 WL 8641365 (S.D. Fla. Sept. 13, 2019) (TCPA).

- *Luster v. Am. Sunshine, LLC*, No. 1:19-cv-03192, 2019 WL 6908049 (N.D. Ga. Oct. 21, 2019) (TCPA).
- *Ezold v. TracFone Wireless, Inc.*, No. 1:20-cv-21346, 2020 WL 6144632 (S.D. Fla. Oct. 16, 2020) (TCPA).
- *Nicholson v. TracFone Wireless, Inc.*, No. 1:21-cv-22213 (S.D. Fla. 2021) (TCPA).
- *Brownlee v. Allstate Ins. Co.*, No. 1:21-cv-01428 (N.D. Ill. 2021) (TCPA).
- *Miller v. Allstate Ins. Co.*, No. 1:21-cv-01202 (M.D. Fla. 2021) (TCPA).
- *Livingstone v. Discount Filters, LLC*, No. 0:19-cv-62131 (S.D. Fla. 2019) (TCPA).

Employment Litigation

- Defended national insurance company in FLSA collective action, and defeated motion for conditional certification by plaintiffs.
- Defended national employer in FLSA collective action involving alleged misclassification and unpaid wages.
- Defended terminal operator in overtime and retaliation suit.
- Defended telecommunications company against claims of wrongful termination.
- Defended employer in EEOC investigation related to alleged age and disability discrimination.

Areas of Focus

Practices

- Esports and Electronic Gaming
- Litigation and Trials
- Alternative Dispute Resolution Services
- Appellate & Trial Support
- Banking, Commercial, and Consumer Finance
- Blockchain and Digital Currency
- Consumer Finance
- International Litigation & Arbitration
- Labor & Employment
- Pharmaceuticals and Medical Devices
- Real Property Litigation
- Technology
- Telecommunications
- Telephone Consumer Protection Act

Industries

- Banking, Commercial, and Consumer Finance
- Technology
- Telecommunications

- [Trade Secrets / Noncompete Litigation and Consulting](#)
- [Class Actions](#)

Insights

09.28.2023

[Robocalling into Florida: A Dickey Gamble in an Evolving Legal Landscape](#)

03.22.2023

[Do Choice-of-Law Provisions Curb Fla. Telemarketing Claims?](#)

11.08.2022

[Applying Article III Rulings to Robocall Standing in Florida](#)

09.26.2022

[The Murky Status of TCPA Standing in the 11th Circ.](#)

09.20.2022

[Update on Arbitration: What Companies Should Be Doing Now in Light of Recent Supreme Court Cases](#)

09.15.2022

[Classified: The Class Action Blog Podcast - Eleventh Circuit Stands on Principle in TCPA Settlement Case](#)

04.08.2022

[Florida Supreme Court Weighs in on Delegation Language in Arbitration Provisions, Affirms Sufficiency of "Reference to Rules" Approach](#)

12.23.2021

[The Rule 23 Trial Plan: A Valuable and Underused Procedural Tool in Class Action Defense](#)

07.15.2021

What You Need to Know About Major Changes to Florida's Telemarketing Statutes

06.30.2021

CF on Cyber: An Update on the Changes to the Florida Telemarketing Act

01.12.2021

How Do We Protect Trade Secrets in Unprecedented Times?

04.17.2020

Keep It Secret, Keep It Safe: Trade Secrets in Video Games and Esports

05.23.2016

Before You Push Play – Important Considerations When Using Videotaped Depositions at Trial

03.14.2016

Moving for Remand: When Have You Lost Your Chance?

News

04.10.2024

Carlton Fields' Charles Throckmorton Recognized by Daily Business Review's Florida Legal Awards

04.04.2023

Carlton Fields Releases Comprehensive FTSA Case Review

02.27.2023

Charles Throckmorton Quoted in Daily Business Review: "Alternative Dispute Resolution Is Having a Moment, Thanks to Florida's Court Backlog and the Rise of Remote"

11.08.2022

Aaron Weiss and Charles Throckmorton Co-Author Article for Law360: “Applying Article III Rulings to Robocall Standing in Florida”

02.07.2022

Rare Health Care Noncompete Case Settles for \$3.3M

03.01.2021

Four Carlton Fields Attorneys Elected to Shareholder

12.30.2020

A Rare Non-Compete Wrinkle: Miami Lawyers Prevail in Employee-Poaching Litigation

Recognition

- *The Best Lawyers in America: Ones to Watch*, Commercial Litigation, Labor and Employment Litigation (2021–2024)

Professional & Community Involvement

- American Bar Association
 - Business Law Section
- March of Dimes
 - Board of Directors, South Florida Market
- University of Virginia School of Law
 - Regional Fundraising Manager for Southeast Florida Alumni

Speaking Engagements

- “Changes to Florida’s Telemarketing Statutes,” West LegalEdcenter/Thomson Reuters (September 2021)
- “Esports Hits the Big Leagues,” Venture Cafe Miami, Miami, FL (January 2020)
- Southern District of Florida Federal Court Observer Program (2015–2017)

Credentials

Education

- University of Virginia School of Law (J.D., 2012)
 - Editorial Board, *Virginia Journal of International Law*
- Duke University (B.A., 2008)

Bar Admissions

- Florida

Court Admissions

- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of Texas
- U.S. Court of Appeals, Eleventh Circuit