



# John R. Hart

SHAREHOLDER

WEST PALM BEACH

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## Overview

John Hart is a litigator with more than 33 years of trial experience. He focuses his practice on commercial real estate litigation, contract and business disputes, trust and estate matters, commercial leasing, property management, and distressed assets and loan workouts. He also has substantial experience in commercial real estate transactions with an emphasis on the representation of lenders, landlords, and other property owners.

John strives to provide a high level of personalized, responsive service. He aims for effective, cost-efficient solutions for clients while protecting their interests and business needs.

As the managing shareholder of the firm's West Palm Beach office, he views success as satisfied clients who rely on Carlton Fields for team-oriented legal services from a diverse group of top-tier attorneys who provide practical, value-added solutions in a variety of specialized industries.

During his career, John has been involved in multimillion-dollar lawsuits and transactions in a wide range of areas. His substantial trial experience includes both bench and jury trials in state and federal courts, as well as arbitration proceedings. He has represented companies and individuals in disputes involving:

- Business contracts
- Commercial foreclosures
- Lender liability claims
- Shareholders' agreements
- Misappropriation of trade secrets and covenants not to compete
- Revocation of wills and trusts in adversarial proceedings
- Receiverships
- Homeowner and condominium associations
- Leases and landlord/tenant litigation

Born and raised in Miami, he spent the first seven years of his career practicing in Miami-Dade after graduating from the University of Virginia School of Law in 1986. During his career, he has represented clients throughout the state of Florida, having litigated cases in Miami-Dade, Broward, Palm Beach, Martin, Monroe, St.

Lucie, Indian River, Orange, Lake, Alachua, Brevard, Duval, Leon, Jefferson, Escambia, Pinellas, Hillsborough, Lee, and Collier counties.

John also remains active in his local community, chairing the Southeast Advisory Council for Camp Boggy Creek (a camp in Eustis, Florida, for children with severe illnesses) since 2015 and serving as a volunteer mock trial coach for students at Miami Lakes Middle School and Barbara Goleman Senior High School. Outside the office, John can be found playing amateur jai alai in Miami, where he's been a dedicated supporter of the sport for the past 20 years.

## Experience

- *U.S. Bank, N.A. v. Joe James Enters. LLC*, No. 50-2010-CA-007405 (Fla. Cir. Ct. 2014). Represented court-appointed receiver in evidentiary proceedings resulting in a prevailing motion to sell commercial property in Boca Raton over objections of a third party.
- *PNC Bank Nat'l Ass'n v. Hiawassee Woods, LLC*, No. 6:12-cv-01484 (M.D. Fla. 2012). Prosecuted receivership and rent sequestration motions at evidentiary proceedings involving multimillion-dollar shopping center property in Orlando, Florida.
- *PNC Bank vs. Kosovo Realty Corp.*, No. 50-2011-CA-002959 (Fla. Cir. Ct. 2011). Prosecuted a motion for the appointment of a receiver in a four-day evidentiary hearing in a hotly contested matter involving a hotel and restaurant property in South Palm Beach.
- *PNC Bank vs. Ameritrend Commerce Ctr.*, No. 3120 10 CA 01 0806 (Fla. Cir. Ct. 2011). Tried commercial foreclosure action resulting in \$7,619,621 final judgment in favor of client against borrower and guarantors on office complex in Vero Beach, Florida.
- *Esque Real Estate Holdings, Inc. v. C.H. Consulting, Ltd.*, 940 So. 2d 1185 (Fla. 4th DCA 2006). Representation of lender in mortgage foreclosure action that resulted in summary judgment in favor of lender for approximately \$1 million. On appeal, Fourth District Court of Appeal held that trial court did not abuse its discretion in denying motion to vacate foreclosure sale for alleged inadequacy of sale price where mortgagor failed to allege any irregularity or defect connected with the sale process.
- *May v. Barthet*, 886 So. 2d 324 (Fla. 4th DCA 2004). Representation of Mandalay Resorts Group Inc. in legal proceedings under Florida's Vexatious Litigant Law, section 68.093, Florida Statutes (2003), which resulted in barring further frivolous lawsuits against client.
- *Walter T. Embry, Inc. v. LaSalle Nat'l Bank*, 868 So. 2d 661 (Fla. 4th DCA 2004). Interlocutory appeal in mortgage foreclosure action involving gasoline station property. Represented lender in appellate proceedings affirming the entry of a dismissal order. After this decision, prosecuted remainder of action through conclusion of non-jury trial and judgment in favor of client, which judgment was also later affirmed by the Fourth District Court of Appeal.
- *Buckeye Check Cashing, Inc. v. Cardegna*, 824 So. 2d 228 (Fla. 4th DCA 2002). Representation of Buckeye Check Cashing Inc. in defense of class action lawsuit involving allegations of usury and violation of various state statutes. Fourth District Court of Appeal held that federal law controlled enforcement of arbitration agreements at issue, and reversed trial court's order denying the lender's motion to compel arbitration. The Fourth DCA's decision was subsequently reversed by the Florida Supreme Court, but was reinstated by the Florida Supreme Court after the U.S. Supreme Court accepted

jurisdiction of the case and issued an opinion affirming the Fourth DCA's 2002 decision.

- *Kirkland v. Miller*, 702 So. 2d 620 (Fla. 4th DCA 1997). Pro bono representation of a borrower, Ruby Kirkland, who was defending an ejectment lawsuit, seeking to evict her from her home of many years, thereby depriving her of her equity in the property. Lender structured the transaction through the use of an Illinois land trust in order to avoid foreclosure upon default. Fourth DCA held that the transaction at issue was not a valid Illinois land trust; it was a mortgage securing indebtedness. The Fourth DCA reversed trial court's order entitling lender to ejectment.
- *New England Mut. Life Ins. Co. v. Podhurst, Orseck, Josefsberg, Eaton, Meadow, Olin & Perwin, P.A.*, 690 So. 2d 1354 (Fla. 3d DCA 1997). Representation of lender, New England Mutual Life Insurance Co., in an appeal involving in excess of \$2 million of insurance proceeds from Hurricane Andrew in connection with two shopping centers in Dade County, Florida. Third DCA held that lender's interest in casualty insurance policy proceeds had priority over law firm's charging lien for services rendered to borrower in obtaining settlement with insurance company.
- *N.Y. Life Ins. & Annuity Corp. v. Hammocks Cmty. Ass'n, Inc.*, 622 So. 2d 1369 (Fla. 3d DCA 1993). Representation of New York Life in a multimillion-dollar foreclosure action, with appellate proceedings involving litigation over lien priority rights between lender and community development association over unpaid property assessments.
- *Johnson v. Bauman*, 549 So. 2d 1185 (Fla. 5th DCA 1989). Defense of appeal by borrower of judgment rendered in favor of lender on promissory note pursuant to verdict after conclusion of three-day jury trial. Also prosecuted cross-appeal, entitling lender to prejudgment interest at the default rate of 18 percent on borrower's promissory note obligation.

## All News

01.29.2021	Carlton Fields Attorneys Recognized as South Florida Business Journal 2021 Power Leaders
02.04.2020	Carlton Fields Attorneys Recognized as 2020 Power Leaders
02.01.2019	Carlton Fields Attorneys Recognized As "Power Leaders"
10.08.2018	Carlton Fields Attorneys Interviewed About Win in Show Horse Case
01.09.2018	Aaron C. Dunlap Joins Carlton Fields
08.21.2017	Defendants prevail in "Dirty Stopper" case
08.15.2017	78 Carlton Fields Attorneys Named "Best Lawyers in America"
01.02.2017	Carlton Fields Attorneys Named to the 2017 "South Florida Legal Guide"

## Recognition

- AV Rated by Martindale-Hubbell (1997–present)
- South Florida Power Leaders, *South Florida Business Journal* (2019)
- *The Best Lawyers in America*, Commercial Litigation (2016–2021)
- *South Florida Legal Guide* (2004–2015)
- Palm Beach County Legal Aid Society Firm Award (2008)
  - Represented, pro bono, indigent woman in four-day jury trial involving real estate dispute.
- Palm Beach County Legal Aid Society Real Property Pro Bono Award (1998)

## Professional & Community Involvement

- American Bar Association
  - Section of Litigation
- The Florida Bar
  - Real Property, Probate, and Trust Law Section

## Speaking Engagements

- “Troubled Assets: Valuation, Legal and Asset Management Issues,” National Council of Real Estate Investment Fiduciaries (NCREIF) Valuation Committee Meeting (2010)
- “Breach of Real Estate Contract Litigation, Case Law Update and Ethical Considerations,” Palm Beach County Bar Association Real Estate Seminar (2009)
- “Florida Foreclosure and Related Bankruptcy and Title Issues,” NBIT Seminars (1999, 2004)

## Credentials

### EDUCATION

- University of Virginia School of Law (J.D., 1986)
- University of Miami (B.A., magna cum laude, 1983)

### BAR ADMISSIONS

- Florida

### COURT ADMISSIONS

- 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, Northern District of Florida
- Florida State Courts

## Areas of Focus

### PRACTICES

- Creditors' Rights and Bankruptcy
- Distressed Asset and Workout
- Litigation and Trials
- Real Property Litigation
- Title Insurance

### INDUSTRIES

- Real Estate