



David A. Karp

OF COUNSEL

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Overview

David Karp focuses on appellate litigation and trial support with a special interest in First Amendment, defamation, and privacy law. His work explores the intersection of social media, technology, and traditional concepts of free speech and privacy.

He prepares briefs and argues appeals before the U.S. Court of Appeals for the Eleventh Circuit, the Florida Supreme Court, and Florida's district courts of appeal. David also has significant trial court experience representing corporations in class actions and complex commercial litigation, including bad faith insurance cases, real property disputes, financial services cases, and government investigations.

David brings to his appellate advocacy more than a decade of experience crafting stories as a writer and editor at the *St. Petersburg Times* (now *Tampa Bay Times*). His work as an investigative reporter, interviewing witnesses and analyzing records to uncover facts, informs his approach to trial litigation. His writing has appeared in *The Washington Post*, *The Boston Globe*, and *Best Newspaper Writing*.

David clerked for the Honorable Susan C. Bucklew of the U.S. District Court for the Middle District of Florida and assisted the judge when she sat by designation on the U.S. Court of Appeals for the Eleventh Circuit.

Experience

- Argued appeal in which Florida's Second District Court of Appeal adopted new evidentiary standard for proving condition precedent to enforcement of contract.
- Argued appeal in which Florida's Second District Court of Appeal adopted standard for identifying prejudice when conforming evidence to pleadings and certified question of great public importance to Florida Supreme Court about proper remedy on remand.
- Briefed and argued multiples appeals affirming final judgments of foreclosure after trial.
- Defeated writ of prohibition filed in the Florida Supreme Court to prohibit appeal in district court of appeal in \$120 million bad faith insurance case.

- Worked on appeal for financial service company before the Florida Supreme Court, which held arbitrations agreements and class action waivers cannot be invalidated under state law as a matter of public policy.
- Worked on appeal reversing \$4.4 million personal injury judgment based on impermissible stacking of inferences.
- Challenged on appeal as part of a team the constitutionality of a state statute violating the dormant Commerce Clause by regulating trade with a foreign nation.
- Argued appeal for pro bono client before the U.S. Court of Appeals for the Eleventh Circuit in constitutional challenge to municipal housing policy.
- Defeated class certification motion in putative class action case in federal court filed under the Fair Debt Collection Practices Act and Florida Consumer Collection Practices Act.
- Defeated class certification, obtained summary judgment, and won more than \$800,000 in attorneys' fees for developer as part of a team in case brought by condominium purchasers after real estate market crash.
- Won summary judgment and denial of class certification as part of a team for legal service provider accused of violating Florida's Deceptive and Unfair Trade Practices Act.
- Won dismissal on statute of limitation grounds in federal court of mass action tort, potentially impacting thousands of loans for financial service corporation.
- Obtained dismissal with prejudice of patent infringement claim, affirmed on appeal by Federal Circuit.
- Won dismissal with prejudice of federal case alleging fraudulent inducement, wrongful foreclosure, violations of state consumer protection laws, and related tort claims.
- Defeated at trial court and on appeal motion for prevailing party attorneys' fees after dismissal of negligence case.
- Defended corporate executive as a part of a team against allegations of fraud involving Venezuelan's public utility sector.
- Represented bank directors in a government investigation into bank's failure.

All Insights

06.26.2020	Peremptory Strike: Preserving Every Error During a Peremptory Challenge
05.08.2020	More Alike Than Different: Sixth Circuit Instructs MDL Court to Find Efficiencies Within Federal Rules Governing Individual Cases
05.06.2020	Silence Is Golden, or Is It?
05.04.2020	Survey of Florida Libel Law <i>Media Libel Law 2019–2020</i>
03.31.2020	COVID-19: What a Lender Can Do to Prepare for the Inevitable Defaults Part 2

- 03.20.2020 Can Governments Commandeer Your Property During COVID-19? California Says Yes
-
- 01.27.2020 Florida Supreme Court Opens the Door to New Class of Interlocutory Appeals
-
- 11.20.2019 Devil in the Details: Gilbert King on Truth and Transparency in the Judicial Process
-
- 11.07.2019 Deciding When a Misstatement to a Court Makes a Mockery of the Judicial System
-
- 09.09.2019 Seventh Circuit Reins in Federal Trade Commission's Implied Powers
-
- 07.22.2019 Let's Get Political: Fourth Circuit Protects Maryland Voter List as "Political Speech"
-
- 06.17.2019 Cracks in the Armor?
-
- 06.10.2019 No Soup for You!
-
- 06.10.2019 What Lawyers Can Learn From Newspaper Editorials
-
- 05.07.2019 Preserving Premature Rulings
-
- 07.13.2014 Judicial Profiles: Judge Edwin A. Scales, III
The Record (PDF)
-
- 01.01.2011 Helping Journalists Get the Story Right
Hillsborough County Bar Association Lawyer Magazine (PDF)
-
- 07.01.2009 Setting the "Persecutor Bar" for Political Asylum After Negusie
Florida Law Review (PDF)
-
- 07.01.2009 Why Justice Thomas Should Speak at Oral Argument
Florida Law Review (PDF)

All News

- 06.18.2020 Late Carlton Fields Shareholder Richard J. Ovelmen to Be Honored at The Florida Bar Convention
-
- 09.20.2019 Georgia Lynching Leads 11th Circuit to Rethink Grand Jury Secrecy
-

04.19.2019 Carlton Fields Hires Noted Appellate Attorney David Karp

04.18.2019 Carlton Fields Adds Experienced Appellate Attorney David A. Karp

Recognition

- Florida Rising Stars, *Super Lawyers Magazine* (2019)

Professional & Community Involvement

- American Bar Association
 - Forum on Communications Law
- The Florida Bar
 - Vice Chair, Media and Communications Law Committee (2020–present)
 - Co-Chair, Media Law Conference (2016)
 - Judge, Parker Thomson Awards for Outstanding Legal Journalism in Florida (2019)
 - Appellate Practice Section
- American Constitution Society
 - Board of Directors, South Florida Lawyer Chapter (2019–present)
 - Board of Directors, Tampa Lawyer Chapter (2017–2019)
- Federal Bar Association
- First Amendment Foundation
- Leadership Miami, Class of 2019–2020
- Yale Alumni School Committee (1995–present)
- Yale Club of Tampa Bay
 - Board of Directors (2016–2019)

Speaking Engagements

- "COVID-19: What a Lender Can Do to Prepare for the Inevitable Defaults – Part Two," Carlton Fields (March 31, 2020)
- "The Future of Political Gerrymandering in Florida," American Constitution Society, Tampa Lawyer Chapter (2019)
- "The Role of the State Attorney General," American Constitution Society, Tampa Lawyer Chapter (2018)
- "Hot Topics and New Developments in Public Access and Privacy Law in Florida," The Florida Bar Media Law Conference (2016)
- "Teaching the Constitution: A Day in the Life of Federal Court," U.S. District Court for the Middle District of Florida (2010)

Credentials

EDUCATION

- University of Florida Fredric G. Levin College of Law (J.D., magna cum laude, 2009)
 - Order of the Coif
 - Executive Managing Editor, *Florida Law Review*
 - T. Smith Award for Outstanding Associate Editor, *Florida Law Review*
- Yale University (B.A., 1995)

BAR ADMISSIONS

- Florida

COURT ADMISSIONS

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida
- U.S. Bankruptcy Court, Middle District of Florida
- Florida State Courts

CLERKSHIPS

- Hon. Susan C. Bucklew, U.S. District Court, Middle District of Florida

Background

- Associate, Akerman LLP, Tampa, FL (2015–2018)
- Associate, León Cosgrove LLC, Miami, FL (2014–2015)
- Associate, White & Case LLP, Miami, FL (2010–2014)
- Law Clerk to the Honorable Susan C. Bucklew, U.S. District Court for the Middle District of Florida (2009–2010)
- Staff Writer and Assistant Metro Editor, St. Petersburg Times, St. Petersburg, FL (1995–2006)
- Intern, Metro News, The Washington Post, Washington, D.C. (1995)

Areas of Focus

PRACTICES

- Appellate & Trial Support
- Class Actions
- Cybersecurity and Privacy
- Intellectual Property
- Litigation and Trials
- Media, Entertainment, Music & Sports
- Real Property Litigation
- Telephone Consumer Protection Act
- White Collar Crime & Government Investigations

