



# Jason Kairalla

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## Overview

Jason Kairalla's practice involves defending complex individual and class action cases on behalf of insurance companies and other financial services institutions in federal and state courts. He also litigates complex business disputes and matters of constitutional, environmental and land use, media, and intellectual property law. As a member of the firm's appellate group, Jason has handled a number of appeals in both federal and state courts. He also advises, speaks, and writes on legal issues presented by new technology, including law-related technology and e-discovery.

Effective advocacy requires intense focus on each client's business with particular attention to the unique industry issues the client faces. For this reason, Jason has augmented his legal knowledge with business education and experience, including study and practice in finance, management science, and technology. This background is vital to fashioning legal strategies that address business realities.

Jason chairs the firm's Tech Innovation Task Force. He is passionate about technology and recognizes its power to deliver value to clients and improve the quality (and consistency) of legal outcomes. Technological innovations — like computer-aided project management techniques, technology-assisted review tools, and legal automation applications — can help with early assessment, reduce matter expense, and transform the relationship between lawyer and client. In addition to his work for the firm, he is committed to representing abused and neglected children in dependency proceedings, and an advocate for Type 1 diabetes research and education.

Jason serves as co-chair of the American Bar Association's Appellate Practice Committee, chair of The Florida Bar's Federal Court Practice Committee, and president-elect of the University of Miami Law Alumni Association. Prior to joining the firm, Jason was a law clerk to the Honorable Paul C. Huck of the U.S. District Court for the Southern District of Florida, and was a member of the *University of Miami Law Review*, Society of Bar and Gavel, Iron Arrow, and the Center for Ethics and Public Service.

## Experience

- *Direct Gen. Ins. Co. v. Houston Cas. Co.*, 139 F. Supp. 3d 1306 (S.D. Fla. 2015). Granting final summary judgment in favor of professional liability insurance carriers based on broad interpretation of “related claims” provision.
- *Club Madonna, Inc. v. City of Miami Beach*, No. 1:13-cv-23762, 2015 WL 5559894 (S.D. Fla. Sept. 22, 2015), awarding attorneys’ fees under 42 U.S.C. § 1988 in the amount of \$102,460,660; DE 45 slip op. (S.D. Fla. June 19, 2014), granting dismissal with prejudice in civil rights action.
- *Eisenberg Dev. Corp. v. City of Miami Beach*, 95 F. Supp. 3d 1376 (S.D. Fla. 2015), finding entitlement to attorneys’ fees and costs pursuant to 42 U.S.C. § 1988, 28 U.S.C. § 1927, Federal Rule of Civil Procedure 11, and the court’s inherent authority; No. 1:13-cv-23620, 2014 WL 12513594 (S.D. Fla. Dec. 16, 2014), granting final summary judgment in favor of defendant; 54 F. Supp. 3d 1312 (S.D. Fla. 2014), granting in part motion for judgment on the pleadings; 1 F. Supp. 3d 1327 (S.D. Fla. 2014), granting in part motion to dismiss.
- *Mann v. Unum Life Ins. Co. of Am.*, 129 So. 3d 895 (Fla. 2d DCA 2014). Affirming entry of order of dismissal with prejudice in favor of defendant in statewide class action regarding long-term care insurance rate setting.
- *Asseff v. Citizens Prop. Ins. Corp.*, No. 2013 CA 001944, 2014 WL 1577516 (Fla. Cir. Ct. Mar. 25, 2014). Granting dismissal with prejudice in statewide putative class action brought on behalf of windstorm property policyholders related to windstorm mitigation program. Affirmed on appeal, 159 So. 3d 327 (Fla. 1st DCA 2015).
- *Allianz Life Ins. Co. of N. Am. v. Cain*, No. 3:12-cv-00264, 2013 WL 3880217 (W.D.N.C. July 26, 2013). Granting motion for entry of temporary restraining order.
- *Sherman v. Transamerica Life Ins. Co.*, 475 F. App’x 733 (11th Cir. 2012). Affirming order of dismissal with prejudice regarding meaning of the definition of “home” in limited benefits home-care only insurance policy.
- *Hunter v. Transamerica Life Ins. Co.*, No. 4:10-cv-04906, 2011 WL 4621111 (S.D. Tex. Sept. 27, 2011), *aff’d*, 498 F. App’x 430 (5th Cir. 2012). Affirming dismissal of national class action collaterally attacking prior class action settlement.
- *Transamerica Life Ins. Co. v. Moore*, 274 F.R.D. 602 (E.D. Ky. 2011).
- *Hunter v. Runyan*, 382 S.W.3d 643 (Ark. 2011); *Crager v. Runyan*, 565 U.S. 879 (2011). Affirming orders denying intervention by objecting class members to national class action settlement of contract and tort claims and dismissing appeal of objector who failed to successfully intervene.
- *Sawyer v. Transamerica Life Ins. Co.*, No. 0:09-cv-61288, 2010 WL 1372447 (S.D. Fla. Mar. 31, 2010). Granting final summary judgment in statewide long-term care insurance class action.
- *Wright v. Life Inv’rs Ins. Co. of Am.*, No. 2:08-cv-00003, 2010 WL 481003 (N.D. Miss. Feb. 4, 2010).
- *In re Life Inv’rs Ins. Co. of Am.*, 589 F.3d 319 (6th Cir. 2009). Reversing district court’s order enjoining defendants from pursuing approval of national class action settlement in parallel state court litigation.
- *Pipes v. Life Inv’rs Ins. Co. of Am.*, 254 F.R.D. 544 (E.D. Ark. 2008); 711 F. Supp. 2d 964 (E.D. Ark. 2009). Class certification denied in case alleging breach of contract and bad faith; denying motion to intervene and to enjoin state court

class action settlement filed by absent class member from parallel national class action.

- *Smith v. Life Inv'rs Ins. Co. of Am.*, No. 2:07-cv-00681, 2009 WL 3756913 (W.D. Pa. Nov. 6, 2009). Class certification denied in case alleging breach of contract, bad faith, and declaratory relief in relation to claims practices.
- *Sierra Club v. Van Antwerp*, 526 F.3d 1353 (11th Cir. 2008). Reversing summary judgment against U.S. Army Corps of Engineers and intervening limestone products companies related to dredge-and-fill permits for operation of mining activities in Florida's Lake Belt.
- *Adams v. S. Farm Bureau Life Ins. Co.*, 493 F.3d 1276 (11th Cir. 2007). Affirmed district court finding that claims alleging, inter alia, fraud and breach of contract were barred by earlier class action settlement and release.
- *Buell v. Direct Gen. Ins. Agency, Inc.*, 488 F. Supp. 2d 1215 (M.D. Fla. 2007), *aff'd*, 267 F. App'x 907 (11th Cir. 2008). Dismissing with prejudice putative Florida class action alleging violation of unfair insurance trade practices and licensing statutes.
- *In re Friedman's, Inc.*, 363 B.R. 629 (Bankr. S.D. Ga. 2007). Decertifying under Federal Rules of Civil Procedure a class action originally certified by West Virginia state court, following removal to federal district court and transfer to bankruptcy court.
- *Stone v. Jackson Nat'l Life Ins. Co.*, 934 So. 2d 532 (Fla. 3d DCA 2006). Affirming entry of dismissal with prejudice in putative class action of life insurance policyholders.
- *London v. Wal-Mart Stores, Inc.*, 340 F. 3d 1246 (11th Cir. 2003). Reversing certification of statewide class action alleging violations of the Florida Insurance Code.
- *Hammett v. Am. Bankers Ins. Co.*, 203 F.R.D. 690 (S.D. Fla. 2001). Denial of certification in putative national class action alleging federal RICO and state common law claims with regard to credit insurance.

## All Insights

05.10.2019	Carlton Fields Defends Transamerica in Putative Class Action Involving Long-Term Care Insurance
04.12.2019	Carlton Fields Defends Transamerica Life Insurance Co in Putative Class Action Involving Long-Term Care Insurance
12.07.2018	Carlton Fields Receives 2018 Lawyers for Children America Pro Bono Law Firm Award
07.06.2018	Motions for Directed Verdict: Failure to Move Is At Your Peril!
01.02.2017	Carlton Fields Attorneys Named to the 2017 "South Florida Legal Guide"
10.26.2016	Ready for Your Close-up? Five Tips for Using Videoconferencing Technology at Trial

05.23.2016	Before You Push Play – Important Considerations When Using Videotaped Depositions at Trial
11.01.2015	Access
10.01.2015	Court Finds Statutory PIP Demand is "Related Claim" to Later-Filed Class Action Suits
01.01.2014	The Effects of Recent Technology Developments on Appellate Practice
06.01.2013	LTC Insurance Update: Failure to Pay Claims a Form of Elder Abuse?
09.01.2008	First Circuit Mandates 'Searching Inquiry' For Some Class Actions
12.01.2006	Contract-Based Consumer Class Action Decertified in Florida
09.30.2006	Fringe Banking
05.30.2006	Journey to the Fringe: A Survey of Select Fringe Lending Products

## Recognition

- Listed as an "Up & Comer" in *South Florida Legal Guide* (2015)
- Listed in *Florida Super Lawyers* as a "Rising Star" (2010-2011, 2014-2016)
- Selected for inclusion in *Daily Business Review's* Rising Stars (2014)
- Recipient of the John Edward Smith Child Advocacy Award (2006, 2016)

## Professional & Community Involvement

- University of Miami Law Alumni Association
  - President-Elect
- The Florida Bar
  - Chair, Federal Court Practice Committee (2019-present)
  - Vice-Chair, Federal Court Practice Committee
- American Bar Association
  - Co-Chair, Appellate Practice Committee
- Law Without Walls
  - Attorney Mentor
- Regional Leadership Counsel, Lawyers for Children America

- Past Member
- Dade County Bar Association
  - Federal Courts Committee

## Speaking Engagements

- “Cost Savings, Efficiency, and Early Resolution in Complex Litigation,” American Council of Life Insurers Annual Conference, Chicago (October 12, 2015).
- Partnership for Professionalism Luncheon, University of Miami School of Law (August 14, 2015).
- Federal Judicial Roundtable, Federal Court Practice Committee, Annual Florida Bar Convention (June 25, 2015).

## Credentials

### EDUCATION

- University of Miami School of Law (J.D., *magna cum laude*, 2002)
  - Order of the Coif
  - *University of Miami Law Review*
  - Society of Bar and Gavel
  - Iron Arrow Honor Society
  - Center for Ethics and Public Service
- University of Miami (MBA, with high honors, 2002)
- University of Miami (B.B.A., *magna cum laude*, 1998)

### 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
- Florida State Courts

### CLERKSHIPS

- Hon. Paul C. Huck, U.S. District Court, Southern District of Florida

### BAR ADMISSIONS

- Florida

## Background

- Law Clerk to the Honorable Paul C. Huck, U.S. District Court, Southern District of Florida (2002-2003)
- Intern to the Honorable James Lawrence King, U.S. District Court, Southern District of Florida (2000)

## Areas of Focus

### PRACTICES

### INDUSTRIES

- Appellate & Trial Support
- Class Actions
- Esports and Electronic Gaming
- Life, Annuity, and Retirement Litigation
- Litigation and Trials
- Property & Casualty Insurance
- Qualified Opportunity Zone Task Force
- Real Property Litigation
- Technology
- Banking, Commercial, and Consumer Finance
- Insurance
- Technology & Telecommunications