



Kevin P. McCoy

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Overview

Kevin McCoy is a tested trial lawyer and business counselor. Businesses across industries turn to him for his counsel and judgment on a variety of legal issues impacting their industries from routine matters to complex litigation. He has served as both outside legal counsel and outside general counsel to businesses.

Kevin's practice includes the prosecution and defense of business litigation and complex claims, and the defense of product liability and toxic tort claims. His matters have ranged from defending small-business owners to handling bet-the-business claims for major corporations.

On the litigation side of his practice, Kevin practices under the mantra that “the best way to resolve a case is to prepare it for trial from the start.” He handles cases in all phases of litigation, from early negotiated resolutions through bench and jury trials and appellate review. He also is experienced in handling late engagements to triage cases when the original case plan has taken the case off track for resolution, or trial, and the case needs to be repositioned in a short time frame. He has been called upon to provide a fresh set of eyes to cases with high-exposure risk and to participate in mock trials on key issues that will control case outcomes.

Kevin dedicates a considerable amount of his practice to developing legal solutions for businesses in emerging markets. In this role, he develops strategies responsive to the litany of legal challenges that occur as the law evolves.

As part of his product liability defense practice, Kevin has gained significant experience litigating product liability and toxic tort cases for clients in the automotive, tobacco, and asbestos industries. This experience includes managing mass tort litigation across multiple jurisdictions, developing trial themes, and taking discovery of fact and expert witnesses.

Kevin has served as counsel to component part manufacturers in the automotive industry in cases in which he developed expert witnesses and conducted crash investigations to identify defenses to product defect and enhanced injury claims. He also routinely defends a substantial number of cases involving allegations of

injuries relating to asbestos exposure.

Kevin also dedicates a significant amount of his practice to counseling clients in the cannabis industry on issues affecting this burgeoning sector. He has handled issues impacting insurance, employment, manufacturing, marketing, and regulatory affairs relating to cannabis for various businesses operating in this space. He has also been called upon to speak on emerging cannabis issues on panels around the country. Kevin is a regular contributor to the Carlton Fields blog *Canna We Talk Cannabis*, which addresses the myriad issues affecting businesses.

Kevin is board certified in Business Litigation by The Florida Bar. He is the co-chair of the firm's national Cannabis Group.

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Experience

- Lead trial counsel in jury trial involving business divorce issues resulting in jury verdict awarding damages to client.
- Obtained dismissal with prejudice in putative class action alleging FDCPA claims against technology client.
- Trial counsel in seven-day jury trial concerning professional negligence claims.
- Lead counsel in five-day jury trial concerning business claims and counterclaims resulting in judgment for client in excess of \$200,000 and defeat of all claims against client.
- Trial counsel in three-day bench trial resulting in final judgment of more than \$699,000, which included a determination that the client was the prevailing party entitled to the recovery of its attorneys' fees and costs in addition to the sums awarded in the judgment.
- Trial counsel in three-day bench trial for a homebuilder franchisor in its prosecution of misappropriation of trade secrets claims, including a determination that the client was the prevailing party entitled to recover attorneys' fees.
- Lead counsel in jury trial resulting in verdict for contract damages in excess of \$50,000 on behalf of client.
- Obtained summary judgment in favor of national insurer against \$24 million in claims by insured for D&O coverage for investigation costs associated with a federal securities investigation.
- Lead counsel obtaining dismissal with prejudice of millions of dollars in state qui tam whistleblower claims against corporation and individual officers of company.
- Obtained winning arbitration decision in favor of minority business owner in business divorce that permitted owner to oust majority owners and regain control of business.
- Obtained a dismissal with prejudice of a federal civil RICO claim and pendant state law claims in which the plaintiff sought \$1.5 million in damages.
- Obtained a favorable judgment following bench trial for a homebuilder franchisor in its prosecution of misappropriation of trade secrets claims, including a determination that the client was the prevailing party entitled to recover attorneys' fees.
- Represented one of the "big three" tobacco manufacturers in its defense of post-*Engle* claims pending in jurisdictions throughout Florida.
- Obtained dismissal with prejudice of Florida Deceptive and Unfair Trade Practices Act claims, Florida RICO claims, and mortgage foreclosure-related claims on behalf of an institutional lender.

- Obtained a dismissal with prejudice of a multi-count complaint seeking substantial damages against institutional lender client. Defended the result on appeal, resulting in a PCA from the appellate court.

Representative Cases:

- *City of Oldsmar v. Trinh*, 210 So. 3d 191 (Fla. 2d DCA 2016).
- *State ex rel. City of Aventura v. Jimenez*, 211 So. 3d 158 (Fla. 3d DCA 2016).
- *Griffin v. ARX Holding Corp.*, 208 So. 3d 164 (Fla. 2d DCA 2016).
- *Burr v. Philip Morris USA, Inc.*, No. 8:07-cv-01429, 2012 WL 5290164 (M.D. Fla. Sept. 28, 2012).
- *Riley v. Wells Fargo Bank, N.A.*, 129 So. 3d 1075 (Fla. 2d DCA 2013).
- *Office Depot, Inc. v. Nat'l Union Fire Ins. Co. of Pittsburgh*, 734 F. Supp. 2d 1304 (S.D. Fla. 2010), *aff'd*, 453 F. App'x 871(11th Cir. 2011). Summary judgment in favor of insurer on insured's claims of more than \$24 million in investigation costs.
- *Harry & David v. J&P Acquisition*, No. 1:09-cv-03056, 2009 WL 4892296 (D. Or. Dec. 17, 2009) (dismissing claims against corporate principals for lack of personal jurisdiction).
- *Merritt v. Lake Jovita Homeowner's Ass'n*, No. 8:08-cv-00098, 2010 WL 627531 (M.D. Fla. Feb. 23, 2010) (awarding appellate attorneys' fees in favor of clients for their defense of a frivolous appeal).

All Insights

11.04.2019	Is Cannabis Banking Safe Yet? It's a Definite, Maybe
10.18.2019	Cannabis Companies - Don't Let Your Valuable Trade Secrets Go Up in Smoke
10.10.2019	Cannabis Consumer Class Actions: The Implicit and Indispensable Ascertainability Requirement
09.23.2019	Florida Court Peels Away Deceptive Label, Increasing Exposure in Class Actions
08.06.2019	Canna We Talk Cannabis? Emerging Topics in Cannabis Law
05.03.2019	Florida Hemp: Is Green the New Orange?
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08.15.2018	Putting the Brakes on Red-Light Camera Lawsuits
03.14.2017	A Winning Record at Trial Starts with Critical Thinking in Discovery <i>Trials and Tribulations, DRI</i>

- 12.19.2016 The Ghost of Depositions Past
Trials and Tribulations, DRI
-
- 12.05.2016 Whistleblowers on Campus: DOJ Adds Research Universities to its False Claims Act Focus
-
- 08.31.2016 Changes To Florida's New Anti-Corruption Law Take Effect October 1
-
- 05.04.2016 Voir Dire—Winning the Case Before It Starts
-
- 04.26.2016 Florida Law Mandates Police Body Camera Policies—Then Lets Agencies Fend for Themselves
-
- 03.25.2016 Florida Qui Tam Statute Applies to False Claims Made to State, not Local, Governments
-
- 03.20.2016 First District Tells Relators: Know Your Role in State Whistleblower Actions
-
- 02.20.2012 Current Developments In D&O Insurance Coverage
-
- 10.17.2011 Eleventh Circuit Holds No Coverage For Investigation Costs
-
- 03.01.2011 Annual Review of Developments in Business and Corporate Litigation, Chapter 7

All News

- 08.02.2019 Five Carlton Fields Lawyers Earn Board Certification From The Florida Bar
-
- 06.24.2019 Carlton Fields' Kevin P. McCoy Elected to Serve on The Florida Bar Foundation Board of Directors
-
- 07.12.2018 Carlton Fields Attorneys Win Dismissal of Red-Light Camera Class Action
-
- 07.11.2018 Fla. \$200M Red-Light Camera Class Action Tossed
-
- 07.09.2018 Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida "Super Lawyers" and "Rising Stars"
-
- 10.09.2017 Carlton Fields' Clients Prevail in Unusual Qui Tam Case
-

10.06.2017 Judge Says Attorneys Are Immune From Court Filing Fees Suit

06.23.2017 Florida Super Lawyers Ranks 92 Carlton Fields Attorneys as 2017 "Super Lawyers" and "Rising Stars"

03.14.2017 A Winning Record at Trial Starts with Critical Thinking in Discovery

Recognition

- Board Certified in Business Litigation by The Florida Bar
- AV Rated by Martindale-Hubbell
- Florida Rising Stars, *Super Lawyers Magazine* (2011–2019)
- Most Effective Lawyers Award, *Daily Business Review* (2016)
- Outstanding Pro Bono Service by a Young Lawyer Award, Bay Area Legal Services (2010)

Professional & Community Involvement

- American Bar Association
- The Florida Bar
 - Former Member, Thirteenth Circuit Grievance Committee
- The Florida Bar Foundation
 - Board of Directors
- Hillsborough County Bar Association
- Hillsborough County Bar Foundation
 - Trustee
- J. Clifford Cheatwood American Inn of Court (2010–2012)
- Bay Area Legal Services
 - Chair (2016)
 - Board of Directors, Secretary (2012–2014)
- Florida Blue Key

Speaking Engagements

- "Class Action Trends: Stairway to Heaven or Highway to Hell?," ACC South Florida 10th Annual CLE Conference, Fort Lauderdale, FL (September 19, 2019)
- "Lights, Cameras, Action: The State of Red Light Cameras and Body Cameras in Florida," 39th Annual Local Government Law in Florida, The Florida Bar, Orlando, FL (May 7, 2016)

Pro Bono

- Kevin dedicates a significant amount of time each year to helping deserving

clients with their legal matters on a pro bono basis. Kevin served as board chair for Bay Area Legal Services in 2016.

Credentials

EDUCATION

- University of Florida Fredric G. Levin College of Law (J.D., cum laude)
 - Editor in Chief, *University of Florida Journal of Law & Public Policy*
- University of Florida (B.A., with honors)

BAR ADMISSIONS

- Florida
- Texas

BOARD CERTIFICATIONS

- Business Litigation

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

Areas of Focus

PRACTICES

- Cannabis Law
- Class Actions
- Life, Annuity, and Retirement Litigation
- Litigation and Trials
- Mass Tort and Product Liability

INDUSTRIES

- Technology & Telecommunications

Videos

Kevin offers his personal thoughts on pro bono work and explains how it has shaped his career.

http://www.youtube.com/watch/oSgp4_dcGmw

Kevin describes a unique legal strategy that defined the outcome of a case.

http://www.youtube.com/watch/cYi6aCUR_5M