



Gary M. Pappas

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Overview

Gary Pappas is a trial attorney with 30 years' experience in civil litigation. Gary's experience includes product liability, business torts, insurance coverage, intellectual property, environmental law, and civil rights in both individual and class action lawsuits. Gary has tried and defended catastrophic personal injury cases involving automobiles, airplanes, protective headgear, medical devices, and water sports equipment. He has also tried and defended multimillion-dollar business loss and property damage cases involving agricultural chemicals, hotels, electronic equipment, underground storage tanks, and automobile dealership franchises. He serves manufacturers, distributors, retailers, insurance companies, technology companies, and entrepreneurs.

Gary's trial experience includes numerous pro bono civil rights and environmental law matters in federal court.

Gary has spoken and published on a variety of procedural and substantive legal issues within his experience, as his listed insights reflect. He is a contributor and editor of the firm's *Classified: The Class Action Blog*.

Gary is AV rated by Martindale-Hubbell.

Experience

- Defended property owner's post-construction insurance company in claim by general contractor attempting to recover \$50 million-plus in equitable subrogation arising from construction defect litigation.
- Defended health information technology management company in numerous class actions involving claims for violations of Board of Medicine rules regulating the release of private medical records.
- Defended bicycle helmet manufacturer in product liability cases involving brain injuries allegedly caused by design defect.
- Defended aircraft manufacturer in wrongful death cases arising out of general aviation accidents involving single-engine turboprop planes.

- Represented a nonprofit marine conservation organization in lawsuit against the U.S. Army Corps of Engineers for allegedly failing to comply with specific requirements under the Endangered Species Act involved in the PortMiami Deep Dredge Project. Read the article.
- Defended tunnel construction contractor in catastrophic personal injury case arising from failure of concrete headwall form.
- Defended insurance carrier in first-party coverage claims for property damage to luxury hotels arising from hurricanes.
- Defended U.S. auto manufacturer in numerous product liability cases involving wrongful death and personal injuries allegedly caused by design and manufacturing defects.
- Defended medical device manufacturer in product liability and warnings cases involving personal injuries and the learned intermediary doctrine.
- Defended water sports equipment manufacturers in product liability cases involving personal injuries allegedly caused by design and manufacturing defects.
- Defended *Fortune* 200 chemical company in numerous product liability cases involving crop damage allegedly caused by defective pesticides.

Representative Published Opinions

- *Green v. Croft*, 347 F. Supp. 3d 1156 (S.D. Fla. 2018).
- *Weitz Co. v. Lexington Ins. Co.*, 982 F. Supp. 2d 975 (S.D. Iowa 2013), *aff'd*, 786 F.3d 641 (8th Cir. 2015).
- *Musson ex rel. Sargent v. Bradshaw Constr. Corp.*, No. 1:13-cv-21021, 2014 WL 794337 (S.D. Fla. Feb. 26, 2014).
- *Beale v. Biomet Inc.*, 492 F. Supp 2d 1360 (S.D. Fla. 2007).
- *Sidran v. E.I. DuPont De Nemours & Co.*, 925 So. 2d 1040 (Fla. 3d DCA 2003).
- *E.I. DuPont de Nemours & Co. v. Finks Farms, Inc.*, 656 So. 2d 171 (Fla. 2d DCA 1995).
- *Horvath v. Gen. Motors Co.*, 636 So. 2d 771 (Fla. 3d DCA 1994).

All Insights

04.09.2019 Food for Thought: A Review of 2018 Litigation

12.18.2018 Belch! Ocean Spray Price Premium Damages Model Passes Comcast Scrutiny

11.16.2018 Third Circuit Ascertainability Requirement Satisfied in FDCPA Class Against Law Firm

11.02.2018 Carlton Fields Receives Equal Justice Pro Bono Award

10.15.2018 Reservation Canceled! Court Strikes Class Allegations Against American Airlines

10.15.2018	Carlton Fields Litigators Featured in Media for Defeating \$17.5M Claim
10.01.2018	Classified: The Class Action Blog Editor
05.23.2018	Supreme Court Upholds Use of Class Action Waivers in Employment Arbitration Agreements
05.11.2018	Third Circuit Rejects 'Shingle Lottery' Theory of Common Defect in Putative Homeowner Class
03.07.2018	Third Circuit Ascertainability Requirement Puts the Squeeze on Orange Juice Purchasers
02.14.2018	Too Fast and Furious: Ninth Circuit Unwinds Hyundai and Kia Nationwide Class Action Settlement
01.10.2018	State of Louisiana, as Absent Class Member, Escapes CAFA Settlement Trap
12.14.2017	SeaWorld Shareholders See Red After World Sees Blackfish
12.01.2017	Charges by Law Firm-Owned Vendors Challenged in Putative Client Class
11.15.2017	Sixth Circuit Litigants Beware: Exiting the American Pipe Highway Can Forfeit Your Toll
11.10.2017	401K Not OK: ERISA Class Certified Under Rule 23(b)(1)(B)
08.24.2017	Kansas Judge Rejects Discovery From Putative Class Members
08.17.2017	Eleventh Circuit Doesn't Waffle on Enforceability of Arbitration Agreement
06.01.2017	Lease-Termination Fee Class Fails Third Circuit Ascertainability Requirement
05.31.2017	Lone Objector's Class-Conflict Arguments Miss the Target
04.24.2017	Saved By The Bellwether Trial in the Ninth Circuit
04.05.2017	Class Notice Online Works Just Fine

03.31.2017	No Pick-Off, No Problem: How a Pre-Certification Rule 68 Offer Survived (Twice)
02.15.2017	Adequacy is Adequate: DC District Court Certifies Pacer Fee Class
02.14.2017	Nothing Crafty About Michaels' Disclosure Under Spokeo
02.09.2017	Ascertainability and Predominance Foil Certification of Spyware Invasion of Privacy Class
02.07.2017	Magistrate Judge Had Authority To Enter Final Judgment Without Consent Of Absent Class Members But Abused Discretion In Approving Settlement
11.04.2016	Spokeo Gets Lyft Off
09.28.2016	District Courts Find Impermissible "Fail-Safe" Class Definitions But Deny Motions to Strike Class Allegations
09.26.2016	Nothing Shady Where State Statutory Language Restricting Class Actions is Clear
09.08.2016	Cy Pres Standard Dispute Settled With Reasonable Approximation
09.01.2016	No Repose for Debate on Applicability of American Pipe Tolling
08.31.2016	Seventh Circuit Strikes Again – Rejects Settlement In Shareholder Deal Litigation
08.16.2016	Carlton Fields Classified Class Action Blog
08.15.2016	Medicare Advantage Organizations May Sue For Double Damages Under MSP Act
08.12.2016	"Placeholder" Motions to Certify are Unnecessary after Campbell-Ewald According to South Carolina District Court
04.18.2016	Smooth Operators: Seventh Circuit Untangles Objections and Affirms Settlement of Hair Product Class
02.15.2016	Food for Thought: 2015 Litigation Annual Review
01.05.2016	Don't Tip Just Yet: Uber Taxi Class Gets Limited Certification

04.28.2014	Florida Offers of Judgment: Trending Toward a Less Onerous "Good Faith" Standard
02.11.2014	Facebook Fishing Expeditions Prohibited
11.25.2013	Taxing e-Discovery Costs: Amendments to the Florida Uniform Guidelines
08.07.2013	Smartphones Can Be an e-Discovery Gold Mine or Sinkhole
07.02.2013	Florida Medicaid Liens after <i>Wos</i>
12.17.2012	Proposals for Settlement: How to draft ones that will stick and how to deal with them when they land on your desk
03.08.2012	Florida Offers of Judgment: A New Trend To Uphold
06.07.2010	Guidelines for Non-Party E-Discovery Under Rule 45
06.01.2010	A Response to Plaintiffs' Call to Abolish the Learned Intermediary Doctrine
07.01.2009	The Learned Intermediary Landscape: A View From the Patient's Perspective
12.01.2008	The Learned Intermediary Doctrine in Florida: Courts Wrestle with Claimed Exceptions to the Doctrine in Drug and Device Litigation
03.03.2008	State ex. rel. Johnson & Johnson v. Karl: Is the Learned Intermediary Doctrine Outdated?
02.01.2007	Recent Developments in Automobile Law
12.01.2002	Proposals for Settlement More Traps for the Unwary
10.01.1997	The Jury Trial: Selection and Role of the Jury
04.05.1991	Essential Initial Steps In Response To A Products Liability Lawsuit

Recognition

- AV Rated by Martindale-Hubbell
- Recipient, Legal Services of Greater Miami's Equal Justice Pro Bono Large Firm Award (2018)

- Selected for inclusion in *Florida Trends* Florida Legal Elite (2006)
- Selected for inclusion in *Florida Super Lawyers* (2007, 2009, and 2010)
- Listed in the Top 100 in South Florida by *South Florida Legal Guide* (2009)
- Recipient, *The Florida Bar Journal* Excellence in Writing Award (2008)
- The Florida Bar Public Interest Law Fellowship

Professional & Community Involvement

- The Florida Bar
- American Bar Association
- Defense Research Institute
- Volunteer, Lawyers Program for U.S. District Court, Southern District of Florida
- South Florida National Parks Trust
 - Board of Directors
- The Education Fund
 - Board of Directors
 - Former Chair
- Director, Greater Miami Billfish Tournament Inc.
- Greater Miami Chamber of Commerce

Speaking Engagements

- "Discovery Process for a Complex Claim," ABA Tort Trial and Insurance Practice Section's Property Insurance Law Committee Spring Meeting, San Antonio (May 8, 2015).
- "Corals, the Endangered Species Act, and the Case of Port Miami," University of Miami Rosenstiel School of Marine and Atmospheric Science (November 20, 2014).
- "Mock Trial," Sports & Fitness Industry Association Legal Summit (April 7, 2014).
- "Guidance Through a Rough & Often Uncharted E-Discovery Terrain," ABA Litigation Section Annual CLE Conference, Miami Beach, FL (April 15, 2011).
- "ESI Discovery Update: Federal and State Law Trends," CLE, Chicago (August 24, 2010).
- "ESI Discovery Update: Federal and State Law Trends," CLE, Dallas (March 23, 2010).
- "Should We Buy It or Try It," ABA Tort Trial and Insurance Practice Section Emerging Issues in Motor Vehicle Products Liability Litigation, Phoenix (April 11, 2008).
- "Roof Crush Standard," Defense Research Institute's Strictly Automotive seminar, San Diego (September 6, 2007).
- "The Effects of CAFA: The Class Action Fairness Act," Sporting Goods Manufacturers Association Spring Market trade show, Las Vegas (June 11, 2007).
- "Proposals for Settlement – How to Draft Ones That Stick and How to Deal With

Them When They Land on Your Desk,” FDLA 10th Annual Florida Liability Claims Conference (June 1, 2006).

- “Consumer Fraud – The New Tort Against Product Manufacturers,” Sporting Goods Manufacturers Association Product Liability Risk Management for Sporting Goods Manufacturers (November 9, 2005).
- “Automotive Event Data Recorder Technology in Criminal and Civil Litigation - The Newest Tool for Plaintiff and Defense,” ABA Tort Trial and Insurance Practice Section (October 20, 2005).

Credentials

EDUCATION

- University of Florida College of Law (J.D., high honors, 1987)
 - Order of the Coif
 - *Florida Law Review*
 - Trial Team
- Duke University (B.A., *magna cum laude*, 1983)

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
- Florida State Courts

BAR ADMISSIONS

- Florida

Areas of Focus

PRACTICES

- Appellate & Trial Support
- Aviation
- Class Actions
- Cybersecurity and Privacy
- Environmental Regulation & Litigation
- Litigation and Trials
- Mass Tort and Product Liability