



Robert M. Quinn

SHAREHOLDER

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CONNECT

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Overview

Robert Quinn represents businesses and lenders in commercial and contract disputes of all kinds, including creditors' rights, statutory receiverships, bankruptcy, real estate workouts and foreclosures, Uniform Commercial Code (UCC) matters, fraud claims, and fraudulent transfer disputes. Robert also has extensive experience litigating consumer protection claims under the Florida Consumer Collection Practices Act (FCCPA), the Fair Debt Collection Practices Act (FDCPA), the Telephone Consumer Protection Act (TCPA), the Fair Credit Reporting Act (FCRA), the Fair Credit Billing Act (FCBA), and the Truth in Lending Act (TILA).

For more than 30 years, Robert has tried cases in state, federal, and bankruptcy courts, and litigated commercial arbitration disputes. He sits on the panel of commercial arbitrators of the American Arbitration Association.

Experience

- Defending national bank against preference and fraudulent transfer claims asserted by statutory receiver for failed HMO.
- Defending national bank against \$30 million fraudulent conspiracy claim asserted by investors in failed HMO.
- Defending limited partner of minority investor in failed insurance company against fraudulent transfer and statutory claims asserted by statutory receiver.
- Representing secured lenders in workouts, foreclosures, and bankruptcy matters involving condominium projects, subdivisions, multifamily, commercial, hotel, and retail properties.
- Defending national banks against hundreds of consumer protection claims and TCPA disputes.
- Defending banks against claims of unauthorized wire and check payments. Defending debit card payment processor against claims by sub-processor to disputed intellectual property, subprocessor contracts, and several years of processing fees.
- Representing a financial services data processor in the arbitration of a dispute

involving alleged negligent debit card processing.

- Defending banks against bankruptcy preference and fraudulent transfer claims in Ponzi scheme cases.
- Representing unit owners to set aside a tax deed sale of an entire timeshare project.
- Representing steel fabricator in arbitration involving several ethanol plants.

Representative Cases

- *Fla. Dep't of Fin. Servs., as receiver for Quality Health Plans, Inc. v. BankUnited, N.A.*, No. 2011-CA-002245 (Fla. Cir. Ct. 2017) (defeat preference and fraudulent transfer claims).
- *Caledonian Bank & Trust Ltd. v. Fifth Third Bank*, No. 8:13-cv-01470, 2015 WL 5542544 (M.D. Fla. Sept. 18, 2015) (obtain summary judgment defeating multimillion-dollar fraudulent conspiracy claim).
- *Krause v. PNC Bank, N.A.*, 174 So. 3d 1004 (Fla. 2d DCA 2015) (defeated multimillion-dollar fraud counterclaim).
- *Lofton v. JPMorgan Chase & Co. and Chase Bank USA, N.A.* (Fla. Cir. Ct. 2017) (defeat claim under Florida Consumer Collection Practices Act).
- *DCR Constr., Inc. v. Delta-T Corp.*, No. 8:09-cv-00741, 2009 WL 5173520 (M.D. Fla. Dec. 30, 2009) (confirmation of \$6 million arbitration award, establishing value of work completed before termination).
- *Luke Invs., Inc. v. Camelot Condo. Owners Ass'n, Inc.*, 974 So. 2d 433 (Fla. 2d DCA 2008) (setting aside tax deed sale of entire timeshare project).
- *Citibank (South Dakota) N.A. v. Nat'l Arbitration Council, Inc.*, No. 3:04-cv-01076, 3:04-cv-01205, 2007 WL106565 (M.D. Fla. Jan. 9, 2007) (recovery of damages arising from tortious interference with credit card customers by sham arbitrators).
- *In re Aerial Films, Inc.*, No. 8:03-bk-17373, 2006 WL 4919044 (Bankr. M.D. Fla. Apr. 18, 2006) (defeating fraudulent transfer claim based upon indirect value conferred to debtor in multiparty sales transaction).
- *Citibank (South Dakota) N.A. v. Nat'l Arbitration Council, Inc.*, No. 3:04-cv-01076, 3:04-cv-01205, 2006 WL 2691528 (M.D. Fla. Sept. 19, 2006) (enjoining sham arbitration forum from conducting arbitration of credit card customer disputes).
- *In re Anchor Glass Container Corp.*, 342 B.R.878 (Bankr. M.D. Fla. 2005) (defeated appointment of special committee to represent retirees in Chapter 11 case).

All Insights

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|------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 06.01.2009 | Concerns for Lenders on Florida Condominium Projects: New Triggers for Turnover and Some Considerations on Successor Developer Liabilities |
| 12.07.2008 | New Statutory Requirements Triggering Condominium Association Turnover |
| 07.01.2007 | Florida Tax Deed Sales are Getting Risky |

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- 01.01.2007 Preparing for Condominium Loan Workouts: How Lenders Can Identify and Minimize Their Legal Risks
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- 06.01.2006 Slowdown in Condo Construction May Signal Surge in Workouts, How Lenders Can Identify, Minimize Their Legal Risks
-
- 04.15.2003 Not So Fast Mr. Liquidating Trustee! May Anyone Other Than a Bankruptcy Trustee Exercise Avoidance Powers After Confirmation?
-
- 01.01.1990 Vol.7 West Florida Legal Forms, Creditors' Remedies and Debtors' Rights

Recognition

- AV Rated by Martindale-Hubbell

Professional & Community Involvement

- American Bar Association
 - Business Law Section
 - Section of Litigation
- American Arbitration Association
 - Commercial Arbitrator
- American Bankruptcy Institute
- The Florida Bar
 - Business Law Section
 - Real Property, Probate and Trust Section
- Tampa Bay Bankruptcy Bar Association
- Turnaround Management Association

Speaking Engagements

- “Looking Out for the Lender,” Distressed Condominium Projects Turnaround and Workout Strategies, American Conference Institute, Miami, FL (June 2007)
- “Preparing for and Conducting a Workout of a Condominium Project Loan,” ABA Section of Real Property, Trust, and Estate Law (September 2006)
- “Liability of Third-Party Participants in Predatory Lending,” Florida Bar Annual Convention, Orlando, FL (June 2005)
- Lectured on the subjects of dealing with unusual collateral, mortgage foreclosures, secured creditors' rights under Article 9 of the Uniform Commercial Code, and claims in bankruptcy.

Credentials

EDUCATION

- Washington and Lee University School of Law (J.D., magna cum laude, 1980)
 - Order of the Coif
- Boston College (A.B., magna cum laude, 1974)

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
- U.S. Bankruptcy Court, Northern District of Florida
- U.S. Bankruptcy Court, Southern District of Florida
- Florida State Courts

Areas of Focus

PRACTICES

- Creditors' Rights and Bankruptcy
- Distressed Asset and Workout
- Litigation and Trials
- Real Property Litigation
- Telephone Consumer Protection Act
- Title Insurance

INDUSTRIES

- Banking, Commercial, and Consumer Finance
- Real Estate