



# Charles W. Throckmorton

SHAREHOLDER

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## Overview

Charles Throckmorton is a litigator who focuses his practice on complex commercial litigation, class action defense, and employer-side employment disputes, with specific experience litigating cases involving trade secrets, software, breach of contract, vendor disputes, unfair competition, fraud, and cryptocurrency issues. In addition, Charles has represented financial institutions in lender liability and commercial foreclosure actions and frequently defends corporate clients in consumer class actions, including those involving the Telephone Consumer Protection Act (TCPA), the Fair Credit Reporting Act (FCRA), and the Fair Labor Standards Act (FLSA).

Charles represents clients in the consumer finance, banking, real estate, transportation, telecommunications, cryptocurrency, electronic gaming, and pharmaceutical industries. Charles has experience representing individual clients in FTC enforcement actions. He has state and federal jury trial experience, including as lead trial counsel, and has represented clients in arbitration proceedings. In addition to his litigation practice, Charles serves as co-chair of the firm's Esports and Electronic Gaming Practice .

Prior to joining Carlton Fields, Charles worked at the Peace Palace in The Hague, Netherlands, monitoring the International Criminal Court for the International Bar Association. A Miami native, he stays involved in the community through work with the March of Dimes and other organizations.

## Experience

### General Commercial Litigation

- Represented art collector in federal suit in dispute over high-value paintings. *Da Costa Gomez v. Serphos*, No. 1:20-cv-23917 (S.D. Fla. 2020).
- Represented individual defendant in first-of-its kind Federal Trade Commission (FTC) cryptocurrency enforcement action. *FTC v. Dluca*, No. 0:18-cv-60379 (S.D. Fla. 2019).
- Represented telecommunications company in four simultaneous federal lawsuits seeking compensation from vendors involved in the deliberate exploitation of defective software. *TracFone Wireless, Inc. v. VMBC*, No. 1:16-cv-20652 (S.D. Fla. 2016); *TracFone Wireless, Inc. v. US Connection, LLC*, No. 1:16-cv-20654 (S.D. Fla. 2016); *TracFone Wireless, Inc. v. Urge Mobile*,

*LLC*, No. 1:16-cv-20655 (S.D. Fla. 2016); *TracFone Wireless, Inc. v. Elite Promotional Marketing Inc.*, No. 1:16-cv-20656 (S.D. Fla. 2016).

- Defended national bank in federal class action seeking to quiet title to thousands of properties and void valid and enforceable notes and mortgages; obtained dismissal with prejudice of all claims. *Diaz v. Deutsche Bank Nat'l Tr. Co.*, No. 1:14-cv-22583, 2014 WL 4351411 (S.D. Fla. Sept. 2, 2014).
- Served as lead trial counsel on behalf of national bank and obtained favorable judgment in multiday trial.
- Defended aviation company in parallel breach of contract suits in the United States and Canada.
- Represented title company in breach of contract, unjust enrichment, and negligent misrepresentation case against commercial seller concerning closing funds. Obtained favorable settlement.
- Defended, as a member of trial team, software company and executive in two-week trade secret and unfair competition trial resulting in a zero verdict.
- Defended software program manager in four-week federal jury trial involving trade secrets and defamation claims.
- Represented telecommunications company in four simultaneous federal lawsuits seeking compensation from vendors involved in the deliberate exploitation of defective software.
- Represented national health care provider in noncompete and nonsolicitation litigation involving physicians practice groups.

### **Class Action Defense**

- *Sawyer v. Intermex Wire Transfer, LLC*, No. 1:19-cv-22212, 2019 WL 8641365 (S.D. Fla. Sept. 13, 2019) (TCPA).
- *Luster v. Am. Sunshine, LLC*, No. 1:19-cv-03192, 2019 WL 6908049 (N.D. Ga. Oct. 21, 2019) (TCPA).
- *Ezold v. TracFone Wireless, Inc.*, No. 1:20-cv-21346, 2020 WL 6144632 (S.D. Fla. Oct. 16, 2020) (TCPA).
- Represented medical services company in Fair and Accurate Credit Transactions Act class action lawsuit. *Diaz v. Chapters Health Sys., Inc.*, No. 8:18-cv-03052, 2019 WL 1498873 (M.D. Fla. Apr. 1, 2019).
- Represented telecommunications company in TCPA class action lawsuit. *Gallant v. TracFone Wireless, Inc.*, No. 1:19-cv-20580 (S.D. Fla. 2019).
- Represented Indiana-based online sales and distribution company in TCPA class action lawsuit. *Livingstone v. Discount Filters, LLC*, No. 0:19-cv-62131 (S.D. Fla. 2019).

### **Employment Litigation**

Charles has experience litigating claims involving Title VII, the Fair Labor Standards Act (FLSA), the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA), as well as claims under investigation by the Equal Employment Opportunity Commission. Examples of Charles' representative experience include:

- Defended national employer in FLSA collective action involving alleged misclassification and unpaid wages.
- Defended terminal operator in overtime and retaliation suit.

- Defended telecommunications company against claims of wrongful termination.
- Defended employer in EEOC investigation related to alleged age and disability discrimination.

## All Insights

- 07.15.2021 What You Need to Know About Major Changes to Florida's Telemarketing Statutes  
*Daily Business Review*

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- 06.30.2021 CF on Cyber: An Update on the Changes to the Florida Telemarketing Act

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- 01.12.2021 How Do We Protect Trade Secrets in Unprecedented Times?

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- 04.17.2020 Keep It Secret, Keep It Safe: Trade Secrets in Video Games and Esports

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- 05.23.2016 Before You Push Play – Important Considerations When Using Videotaped Depositions at Trial

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- 03.14.2016 Moving for Remand: When Have You Lost Your Chance?

## All News

- 03.01.2021 Four Carlton Fields Attorneys Elected to Shareholder

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- 01.12.2021 How Do We Protect Trade Secrets in Unprecedented Times?

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- 12.30.2020 A Rare Non-Compete Wrinkle: Miami Lawyers Prevail in Employee-Poaching Litigation

## Recognition

- *The Best Lawyers in America: Ones to Watch*, Commercial Litigation, Litigation – Labor and Employment (2021–2022)

## Professional & Community Involvement

- American Bar Association
  - Business Law Section
- March of Dimes
  - Board of Directors, South Florida Market
- University of Virginia School of Law
  - Regional Fundraising Manager for Southeast Florida Alumni

## Speaking Engagements

- “Esports Hits the Big Leagues,” Venture Café Miami, Miami, FL (January 2020)
- Southern District of Florida Federal Court Observer Program (2015, 2016, 2017)
- "From Law Student to Young Lawyer," Southern District of Florida's Federal Court Observer Program (June 2015)

## Credentials

### EDUCATION

- University of Virginia School of Law (J.D., 2012)
  - Editorial Board, *Virginia Journal of International Law*
- Duke University (B.A., 2008)

### COURT ADMISSIONS

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

### BAR ADMISSIONS

- Florida

## Areas of Focus

### PRACTICES

- Alternative Dispute Resolution Services
- Appellate & Trial Support
- Blockchain and Digital Currency
- Class Actions
- Consumer Finance
- Esports and Electronic Gaming
- Financial Elder Abuse
- International Litigation & Arbitration
- Labor & Employment
- Litigation and Trials
- Pharmaceuticals and Medical Devices
- Real Property Litigation
- Technology
- Telecommunications
- Telephone Consumer Protection Act

### INDUSTRIES

- Banking, Commercial, and Consumer Finance

- Trade Secrets / Noncompete  
Litigation and Consulting