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Overview

Aaron Weiss maintains a national litigation practice focused on telecommunications law, class actions, and consumer claims. His cases often involve all of these areas of law. He also frequently counsels insurance companies on complex coverage issues relating to class actions and other aggregated litigation.

Aaron frequently litigates class action cases under a broad variety of consumer protection statutes, including the Telephone Consumer Protection Act (TCPA), the Florida Telephone Solicitation Act (Florida Mini TCPA), the Fair Credit Reporting Act (FCRA), the Fair and Accurate Credit Transactions Act (FACTA), the Fair Debt Collection Practices Act (FDCPA), the Medicare Secondary Payer Act (MSP Act), the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), and the Florida Consumer Collection Practices Act (FCCPA).

Aaron also routinely defends companies sued in data breach class actions and counsels insurers on issues related to cyber claims.

Aaron also has significant experience in both prosecuting and defending against intellectual property claims, often in cases involving novel technology.

Aaron is recognized as a prominent voice in the legal press on these practice areas. He is routinely quoted in various lawyer-focused publications on key issues related to consumer class actions. He also regularly publishes articles, lectures, and podcasts on issues related to procedural rules in federal court practice and other issues related to his practice. He currently writes a regular column for *Law360* addressing key issues under FDUTPA and Florida class actions and is part of the board of contributors for the *Daily Business Review*, where he frequently writes columns relating to federal civil practice in Florida.

By appointment of Chief Judges K. Michael Moore and Cecilia Altonaga, since 2014, Aaron has served on the Southern District of Florida Ad Hoc Committee on Rules and Procedures. He has been the lead drafter of amendments to more than a dozen local rules.

In addition to his practice as an advocate, Aaron is a Florida Supreme Court certified mediator for civil and appellate cases. His mediation work focuses on class actions and other consumer claims.

Experience

Consumer Class Actions

Aaron has substantial experience in consumer class action matters across a wide range of industries, including the automotive, banking, mortgage insurance, and timeshare industries. He also frequently counsels liability insurers on issues related to the resolution of class actions where their policyholders are

named as defendants.

Over the course of nearly two decades of practice, Aaron has established a reputation as a thought leader within the Florida and national class action defense bar. He has been successful in:

- Minimizing class action risks through non-class resolutions.
- Drafting and enforcing arbitration agreements with class action waivers.
- Disposing of cases at the motion to dismiss and summary judgment stages.
- Opposing class certification.
- Negotiating favorable resolutions on a classwide basis.

Some of his notable consumer class action cases include:

- Represented telecommunications company in class action concerning alleged defective COBRA notices. Obtained order approving a reversionary settlement fund. *Taylor v. Citizens Telecom Servs. Co.*, No. 8:20-cv-00509, 2022 WL 456448 (M.D. Fla. Feb. 8, 2022).
- Represented claims administrator in a lawsuit alleging violations of the Medicare Secondary Payer Act. Obtained precedent-setting order clarifying standards for standing in these cases. *MAO-MSO Recovery II, LLC v. Boehringer Ingelheim Pharm., Inc.*, 281 F. Supp. 3d 1278 (S.D. Fla. 2017).
- Counseled the leading prepaid mobile telephone service provider, resolving four consolidated class action cases and an FTC enforcement action relating to its product advertisements; helped negotiate one of the first-ever joint resolutions between a private civil class action and an FTC enforcement action. *In re TracFone Unlimited Serv. Plan Litig.*, 112 F. Supp. 3d 993 (N.D. Cal. 2015).
- Lead Florida trial and appellate counsel in defending a national mobile service provider in class action alleging that retailer overcharged sales tax. Case favorably resolved for client by precedent-setting appellate decision regarding enforceability of arbitration agreements. *MetroPCS Commc'ns, Inc., v. Porter*, 273 So. 3d 1025 (Fla. 3d DCA 2018).
- Lead counsel for loan servicer in class action lawsuit under the Fair Debt Collection Practices Act (FDCPA) and the Florida Consumer Collection Practices Act (FCCPA) relating to alleged unlicensed debt collection activity. Matter resolved by voluntary dismissal by named plaintiff. *Ledon v. SN Servicing Corp.*, No. 1:16-cv-21789 (S.D. Fla. 2016).
- Represented life insurer in class action lawsuit alleging improper marketing practices for life insurance products. Obtained order dismissing the case. *Patel v. Catamaran Health Sols., LLC*, No. 0:15-cv-61891, 2016 WL 5942475 (S.D. Fla. Jan. 14, 2016).
- Represented mortgage insurance provider in class action lawsuit for purported violations of the FDCPA and the FCCPA stemming from alleged acts and omissions taken in connection with foreclosure actions filed in Florida state court to foreclose a home equity line of credit. Matter resolved by voluntary dismissal by named plaintiff. *Fernandez v. United Guar. Residential Ins. Co. of N.C.*, No. 8:16-cv-00638 (M.D. Fla. 2016).
- Represented prominent bank in matter against several banks alleging improper foreclosure practices. Obtained order dismissing claim under the FDCPA based on the *Rooker-Feldman* doctrine. *Blum v. Glen Garron, LLC*, 51 F. Supp. 3d 1286 (S.D. Fla. 2014).
- Lead Florida counsel for multistate bank in class action lawsuit alleging receipt of unlawful check cashing fees. Obtained precedent-setting appellate orders establishing standards for amount in controversy under the Class Action Fairness Act, *McDaniel v. Fifth Third Bank*, 568 F. App'x 729 (11th Cir. 2014), and obtained affirmance of dismissal with prejudice, *McDaniel v. Fifth Third Bank*, 192 So. 3d 489 (Fla. 5th DCA 2016).
- Represented large timeshare company in class action lawsuit removed to federal court under the Class Action Fairness Act. Obtained orders rejecting remand to state court and granting dismissal of FDUTPA and related claims. *Perret v. Wyndham Vacation Resorts, Inc.*, 889 F. Supp. 2d 1333 (S.D. Fla. Aug. 28, 2012).

- Represented national bank in class action lawsuit alleging improper payday loans. Obtained order directing that case be resolved through arbitration. *Gunson v. BMO Harris Bank, N.A.*, 43 F. Supp. 3d 1396 (S.D. Fla. 2014).
- Represented five different banks in multiple class action lawsuits in the Southern District of Florida involving checking overdraft charges. *In re Checking Account Overdraft Litig.*, MDL No. 2036, 2011 WL 6811009 (S.D. Fla. Nov. 1, 2011).
- Represented leading multistate bank in class action lawsuit alleging that certain loans were improper. Obtained transfer of case to the Northern District of Ohio. *Laskaris v. Fifth Third Bank*, 962 F. Supp. 2d 1297 (S.D. Fla. 2013).
- Represented automobile finance lender in class action lawsuit alleging violations of the Uniform Commercial Code relating to automobile repossessions. Case resolved by voluntary dismissal following motion to compel arbitration on an individual basis. *Jackson v. CIC Funding, LLC*, No. 2013-21683-CA-01 (Fla. 11th Cir. Ct. 2013).
- Represented lender in RICO class action lawsuit alleging improper practices with respect to consumer loans in Florida. Obtained dismissal of complaint and affirmance on appeal. *Lawrie v. Ginn Dev. Co.*, 656 F. App'x 464 (11th Cir. 2016).
- Represented several companies in M&A strike suit class action lawsuit in the Delaware Court of Chancery. *In re Netsmart Techs., Inc. Shareholders Litig.*, 924 A.2d 171 (Del. Ch. 2007).

In connection with his class action work, Aaron previously co-chaired the ABA Commercial and Business Litigation Section's Class Action Subcommittee. Aaron is presently serving on the Florida Bar Consumer Protection Law Committee and recently served as co-chair of its CLE subcommittee.

Telephone Consumer Protection Act Litigation

Litigation involving the federal TCPA has increased dramatically in the last several years. While many firms across the country have only recently fielded teams in this area, Aaron has been involved in TCPA cases filed as early as 2009. Aaron also is nationally recognized as a leading authority on the Florida Telephone Solicitation Act (Florida Mini TCPA) and has spoken at several webinars and conferences since the enactment of the act in 2021. Many of the TCPA cases he litigated have involved issues of first impression. Some of his notable TCPA cases include:

- Obtained order dismissing TCPA class action case based on failure to establish that calls in question were made on behalf of a particular company. *Brownlee v. Allstate Ins. Co.*, No. 1:21-cv-01428, 2021 WL 4306160 (N.D. Ill. Sept. 22, 2021).
- Obtained order dismissing TCPA case based on First Amendment grounds. *Cunningham v. Allstate Prop. & Cas. Ins. Co.*, No. 4:21-cv-00126, 2021 WL 1903800 (E.D. Tex. Apr. 21, 2021).
- Resolved TCPA class action by voluntary dismissal after arguing that claim was subject to arbitration on a single-plaintiff basis. *Nicholson v. TracFone Wireless, Inc.*, No. 1:21-cv-22213, 2021 WL 4726480 (S.D. Fla. Sept. 7, 2021).
- Obtained precedent-setting order addressing the intersection between requirements to disclose contact information for TCPA class notice and consumer privacy considerations. *Ezold v. TracFone Wireless, Inc.*, No. 1:20-cv-21346, 2020 WL 6144632 (S.D. Fla. Oct. 16, 2020).
- Obtained order dismissing TCPA claims for failure to sufficiently establish a basis for vicarious liability. *Shcherb v. Angi Homeservices Inc.*, No. 1:19-cv-00367, 2020 WL 2571041 (S.D.N.Y. May 21, 2020).
- Obtained order providing that our client was entitled to reimbursement in connection with responding to a subpoena in a TCPA class action. The order was entered against significant opposition from the party that served the subpoena. The court awarded *six times* the amount the party that served the subpoena offered to provide. *Cook v. Palmer, Reifler & Assocs.*, No. 3:16-cv-00673, 2019 WL 5697230 (M.D. Fla. Nov. 4, 2019).
- Obtained order approving TCPA class settlement with a reversionary settlement fund. *Tickling Keys, Inc. v. Transamerica Fin. Advisors, Inc.*, 305 F. Supp. 3d 1342 (M.D. Fla. 2018).

- Obtained dismissal of TCPA claim based on argument that allegations relating to autodialing were implausible. This was the first reported decision from a court in the Eleventh Circuit applying the plausibility standard to a TCPA pleading. *McGinity v. TracFone Wireless, Inc.*, 5 F. Supp. 3d 1337 (M.D. Fla. 2014).
- Obtained decision finding TCPA claims subject to contractual jury trial waiver. *Newton v. Wells Fargo Bank N.A.*, No. 3:13-cv-01017, 2013 WL 5854520 (M.D. Fla. Oct. 30, 2013).
- Obtained order finding TCPA claims subject to arbitration. *Levingston v. TracFone Wireless, Inc.*, No. 3:13-cv-08265, 2014 WL 12915515 (D. Ariz. Feb. 28, 2014).
- Obtained dismissal of TCPA claims where plaintiff sought recovery for prerecorded voice calls while alleging they spoke with a live person from defendant's company. *Duran v. Wells Fargo Bank, N.A.*, 878 F. Supp. 2d 1312 (S.D. Fla. 2012).
- Obtained order clarifying rules governing consent to be called on a cellphone under the TCPA. *Gray v. Morgan Drexen, Inc.*, No. 2:13-cv-0083, 2014 WL 2573227 (M.D. Fla. June 9, 2014).
- Obtained order limiting scope of Fed. R. Civ. P. 30(b)(6) deposition. *Dayhoff v. Wells Fargo Home Mortg., Inc.*, No. 6:13-cv-01132, 2014 WL 12618185 (M.D. Fla. Apr. 9, 2014).
- Obtained order of first impression establishing standards for asserting third-party claims in TCPA cases. *Osorio v. State Farm Bank, F.S.B.*, 278 F.R.D. 671 (S.D. Fla. 2011).

Aaron routinely counsels business clients on TCPA compliance and counsels insurance companies on TCPA-related coverage issues. He is also a frequent speaker on issues related to the TCPA.

Telecommunications Fraud Prevention

Telecommunications fraud is a major issue that impacts telecommunications companies and consumers. Aaron helped pioneer strategies to combat these problems. Carlton Fields is the only law firm in the country with a dedicated team working across the industry in this area.

As part of these efforts, Aaron first-chaired prosecutions of dozens of claims on behalf of several major wireless telephone services providers in litigation throughout the United States involving claims to combat retail subsidy fraud, intellectual property violations, and other fraud prevention matters.

Aaron obtained awards for his clients that total over a quarter of a billion dollars against hundreds of defendants. Many of the telecommunications fraud prevention victories he helped his clients achieve are profiled at: <http://stopcellphonetrafficking.com/>.

Some of Aaron's notable awards on behalf of his clients in this area include:

- *TracFone Wireless, Inc. v. Nektova Grp., LLC*, 328 F.R.D. 664 (S.D. Fla. Jan. 11, 2019) (awarding our client \$10,031,000 in case alleging an international cell phone trafficking scheme with a Dubai-based cell phone trafficker). Case profiled by *Law360*: TracFone Secures \$10M Judgment in Device Trafficking Row.
- *TracFone Wireless, Inc. v. GCA Elecs., LLC*, 950 F. Supp. 2d 1326 (N.D. Ga. 2013) (awarding our client more than \$7.7 million in monetary sanctions against the defendant). Case profiled by *Law360*: Retailer Fined \$7.8M for Continued TracFone Infringement.
- *TracFone Wireless, Inc. v. CNT Wireless LLC*, No. 1:19-cv-24325, 2019 WL 5863911 (S.D. Fla. Nov. 8, 2019) (awarding our client \$8 million in monetary sanctions against several defendants). Case profiled by *Law360*: TracFone Gets \$8M Deal to End Phone-Flipping Suit Approved.
- *T-Mobile USA, Inc. v. Begum*, No. 1:11-cv-02542, 2011 WL 4090930 (E.D.N.Y. Aug. 17, 2011) (granting final judgment and permanent injunction in our client's favor arising from improper resale of cellphones and SIM cards).
- *TracFone Wireless, Inc. v. LaMarsh*, 98 F. Supp. 3d 828 (W.D. Pa. 2015) (awarding our client \$839,775 in monetary sanctions against the defendant in scheme involving improper resale of cellphone airtime cards that were illegally cloned ordering U.S. Marshal to auction off the defendant's property to allow our client to satisfy its judgment). Case profiled by the *Altoona Mirror*: Altoona Man Sentenced in Federal Court.

- *TracFone Wireless, Inc. v. Anadisk LLC*, 685 F. Supp. 2d 1304 (S.D. Fla. 2010) (awarding our client damages in the amount of \$12,375,000 arising from improper resale of mobile phones). Case profiled by *Law360*: Resellers Barred From Using TracFone's Trademarks.
- *MagicJack LP v. JoiPhone, LLC*, No. 9:08-cv-81570, 2009 WL 10664672 (S.D. Fla. Aug. 19, 2009) (obtained judgment in favor of leading VOIP phone provider against a Singapore-based company involved in a fraudulent scheme).

Data Privacy and Cyber-Related Litigation and Counseling

Aaron has extensive experience representing companies in litigation involving data privacy and cyber-related issues. He has defended companies in class actions involving compromises of credit cards and other personally identifiable information (PII) since the wave of data breach class actions started almost a decade ago. He has also assisted companies with protecting their rights when they have been the victims of cyber hacking. Likewise, he has significant experience in advising insurance companies on issues related to cyber claims, with a particular emphasis on counseling carriers on data breach and other cyber-related class actions.

- Represented medical services company in class action lawsuit relating to compromise of credit card numbers. Negotiated a settlement for client that included a reversionary fund. *Diaz v. Chapters Health Sys., Inc.*, No. 8:18-cv-03052, 2020 WL 5166527 (M.D. Fla. Aug. 31, 2020).
- Representing medical services provider in data breach class action involving allegations of exposure of health care-related PII. Obtained stay, against plaintiffs' objections, pending the Supreme Court's consideration of Article III standing issues in other cases. *Stoll v. Musculoskeletal Inst., Chartered*, No. 8:20-cv-01798, 2021 WL 632622 (M.D. Fla. Feb. 18, 2021).
- Defended cellphone carrier in a claim related to fraud arising from manipulation of two-factor authentication. Case resolved by voluntary dismissal. *Anderson v. Verizon Commc'ns, Inc.*, No. 713925/2019, 2020 WL 12918581 (N.Y. Sup. Ct. Jan. 24, 2020).
- Represented cyber liability carrier in contested coverage dispute regarding potential coverage for a class action relating to the exposure of credit card numbers. *HUB Parking Tech. USA, Inc. v. Ill. Nat'l Ins. Co.*, No. 2:19-cv-00727, 2019 WL 10634714 (W.D. Pa. Sept. 12, 2019).
- Lead counsel in class action filed against prepaid cellphone company alleging violations of the Electronic Fund Transfer Act, 15 U.S.C. § 1693. Matter resolved by voluntary dismissal by named plaintiff. *Gamroth v. TracFone Wireless, Inc.*, No. 2:12-cv-00187 (E.D. Wis. 2012).
- Represented defendant in one of the first data breach class action lawsuits in the country and negotiated favorable resolution after winning dismissal of several causes of action. *Burrows v. Purchasing Power, LLC*, No. 1:12-cv-22800, 2013 WL 10167232 (S.D. Fla. Oct. 7, 2013).
- Represented telecommunications carrier in dispute involving credit card processing and verification systems. *ACI Worldwide Corp. v. TracFone Wireless, Inc.*, No. 1:16-cv-00981, 2017 WL 3228138 (D. Del. July 31, 2017).
- Counseled commercial liability insurer on issues related to coverage for a class settlement relating to the exposure of PII. *Legg v. Lab. Corp. of Am.*, No. 0:14-cv-61543, 2016 WL 3944069 (S.D. Fla. Feb. 18, 2016).
- Advised cyber liability insurers regarding issues related to settlement of a data privacy class action lawsuit. *Legg v. Spirit Airlines, Inc.*, 315 F.R.D. 383 (S.D. Fla. 2015).
- Represented prepaid phone carrier to prosecute claim involving social engineering to induce call agents to unknowingly create fake airtime cards. Obtained preliminary injunction against defendant. *TracFone Wireless, Inc. v. Refill Phones, LLC*, No. 4:15-cv-02246, 2015 WL 6965184 (S.D. Tex. Nov. 4, 2015).
- Represented prepaid phone carrier to prosecute claim involving computer hacking to create fraudulent airtime cards. Obtained judgment against defendant. *TracFone Wireless, Inc. v. Holden Prop. Servs., LLC*, 103 F. Supp. 3d 1357 (S.D. Fla. 2015).

Insurance Matters

Aaron frequently counsels several of the leading commercial insurers when their policyholders are involved in class action litigation and other complex litigation matters. Some of the matters include:

- Obtained summary judgment in favor of insurer in highly contested litigation arising from a *Coblentz* agreement. *ECB USA, Inc. v. Chubb Ins. Co. of N.J.*, No. 1:20-cv-20569, 2022 WL 611536 (S.D. Fla. Feb. 25, 2022).
- Represented D&O insurance carrier in successfully obtaining a bar order against future claims against objections from securities class action plaintiffs. *Brophy v. Salkin*, 550 B.R. 595 (S.D. Fla. 2015).
- Advised commercial liability insurer on issues related to potential coverage for an FDUTPA class action related to allegedly defective furniture. *Blobner v. R.T.G. Furniture Corp.*, 407 F. Supp. 3d 1270 (M.D. Fla. 2019).
- Advised D&O insurance carrier on claims under Florida's assignment for the benefit of creditors statute. *360fly, Inc. v. Osborne*, No. CACE 19-017819, 2020 WL 6141580 (Fla. 17th Cir. Ct. Oct. 3, 2020).
- Represented D&O insurance carrier in defeating objections by U.S. trustee and obtained bar order prohibiting further claims against its policyholder — a failed entertainment company. *In re Latitude 360, Inc.*, 603 B.R. 183 (Bankr. M.D. Fla. 2019).
- Lead counsel from filing through a five-day federal jury trial for an insurance carrier during four years of litigation seeking payment of underpaid premiums. At trial, client was awarded the complete amount of damages sought. Following trial, the court awarded the client more than 95% of its requested attorneys' fees. *Home Assurance Co. v. Weaver Aggregate Transport, Inc.*, 298 F.R.D. 692 (M.D. Fla. 2014).

Intellectual Property Litigation

Aaron has considerable experience representing clients in intellectual property litigation — often on issues involving novel technology. Some of these cases include:

- Represented scientific equipment manufacturer in case against competitor. Obtained order defeating a motion to dismiss. *Cole-Parmer Instrument Co. v. Prof'l Labs., Inc.*, No. 0:21-cv-61756, 2021 WL 4932238 (S.D. Fla. Oct. 19, 2021).
- Represented mobile phone carrier in patent infringement dispute. Successfully petitioned Federal Circuit Court of Appeals for mandamus relief to transfer case out of the Western District of Texas to the client's home district. *In re TracFone Wireless, Inc.*, 852 F. App'x 537 (Fed. Cir. 2021).
- Obtained \$2.2 million judgment and injunction in favor of leading software distributor in case against software infringer. *Microsoft Corp. v. Tech HQ, Inc.*, No. 0:16-cv-62633, 2018 WL 941721 (S.D. Fla. Feb. 2, 2018).
- Prosecuted trademark infringement case on behalf of leading software distributor to combat improper distribution of software products. *Microsoft Corp. v. Your Shop Online, LLC*, No. 0:16-cv-61568, 2017 WL 2712944 (S.D. Fla. Feb. 10, 2017).
- Successfully obtained preliminary injunction under the Lanham Act following evidentiary hearing. Prevailed on the court to waive bond requirement in light of overwhelming likelihood of success on the merits. *TracFone Wireless, Inc. v. Washington*, 978 F. Supp. 2d 1225 (M.D. Fla. 2013).

General Litigation Matters

In addition to his work on specialized telecommunications law, class action, and consumer claims, Aaron has a broad range of experience in complex commercial matters. His notable representations include:

- Represented wireless service provider in dispute with former master dealer. Case resolved by voluntary dismissal after summary judgment hearing. *Wireless Shop, LLC v. TracFone Wireless, Inc.*, No. 1:18-cv-23160, 2018 WL 6817054 (S.D. Fla. Oct. 15, 2018).
- Obtained order permitting service of subpoenas via FedEx or UPS as such methods are reasonably calculated to ensure receipt of the subpoena by the witness. *TracFone Wireless, Inc. v. SCS Supply Chain LLC*, No. 1:19-cv-20604, 2019 WL 1323116 (S.D. Fla. Feb. 22, 2019).

- Represented wireless service provider in prosecuting claims against former distributor. Successfully opposed dismissal of the majority of claims. *TracFone Wireless, Inc. v. Simply Wireless, Inc.*, 275 F. Supp. 3d 1332 (S.D. Fla. 2017).
- Obtained order granting writ of bodily attachment against a defendant that failed to provide post-judgment disclosures. *OptimumBank v. BSD of Miami Gardens, LLC*, No. 15-000353 CA 01, 2016 WL 11756265 (Fla. 11th Cir. Ct. Jan. 7, 2016).
- Represented nonparty subpoena recipient in obtaining tens of thousands of dollars in attorneys' fees incurred in connection with responding to a subpoena. *Silverman v. Falcone*, No. 9:14-cv-80407, 2015 WL 5836775 (S.D. Fla. Sept. 24, 2015).
- Obtained injunction and judgment of \$910,000 against company engaged in improper distribution of computer software. *Microsoft Corp. v. Tech Emporium Enters., Inc.*, No. 1:17-cv-00141, 2018 WL 6137199 (N.D. Fla. Jan. 16, 2018).
- Represented chairman of Fortune 50 company in suit by allegedly aggrieved claimant. Matter resolved by voluntary dismissal by plaintiff. *Young v. Hancock*, No. 1:17-cv-21473, 2017 WL 3113417 (S.D. Fla. Apr. 24, 2017).
- Represented wireless service provider in dispute with former agent and successfully defeated request for preliminary injunction. *Megatel Mobile, LLC v. TracFone Wireless, Inc.*, No. 2:17-cv-03837, 2017 WL 4544618 (D.N.J. Oct. 6, 2017).
- Represented lending institutions in litigation involving enforcement of commercial loan documents, working closely with the FDIC to revive the *D'Oench Duhme* doctrine, which is asserted to bar claims against the successors to failed banking institutions. Drafted the briefs that became the template for motions the FDIC used in these matters all over the country, and was also asked to participate in hearings relating to the *D'Oench Duhme* doctrine throughout Florida. Notable decisions on this issue include *1225 S.W. 8th St. Prop., Inc. v. Iberiabank*, No. 3D11-244, 2012 WL 944804 (Fla. 3d DCA 2012) (affirming dismissal with prejudice entered in favor of client on basis of FDIC superpowers) and *Iberiabank v. Coconut 41, LLC*, No. 2:11-cv-00321, 2012 WL 2345223 (M.D. Fla. June 11, 2012) (finding the federal court maintains mandatory continued jurisdiction after dismissal of FDIC when superpowers are invoked).
- Defended leading bank in defending claims related to alleged false imprisonment. Successfully defeated plaintiff's attempt to pursue claim for punitive damages. *Marshall v. Washington*, 487 F. App'x 523 (11th Cir. 2012).
- Prosecuted claims related to improper sales of products and obtained judgment for \$60,000 in favor of client. *TracFone Wireless, Inc. v. Ada*, No. 5:09-cv-00603, 2009 WL 10729585 (W.D. Okla. Aug. 3, 2009).
- Represented the owner of the world-famous "Versace Mansion" in foreclosure proceeding and devised a strategy to avoid foreclosure for more than 15 months by demanding that each of the more than 20 individuals who were members of the LLC that held the note establish they were diverse from the defendant. *VM S. Beach LLC v. Casa Casuarina, LLC*, No. 1:11-cv-24612, 2013 WL 1149657 (S.D. Fla. Mar. 19, 2013).
- Defended former directors and officers of a national airline in securities litigation in Florida state, federal, and bankruptcy courts, and obtained orders dismissing complaints from both state and federal judges. *Arnold v. McFall*, 839 F. Supp. 2d 1281 (S.D. Fla. 2011); *Welt v. McFall*, No. CACE-12-030848, 2013 WL 5937319 (Fla. 17th Cir. Ct. Aug. 26, 2013).
- Represented a leading cosmetic products company in antitrust litigation. Assisted with obtaining order of dismissal with prejudice and affirmance on appeal. *Duty Free Ams., Inc. v. Estée Lauder Cos., Inc.*, 797 F.3d 1248 (11th Cir. 2015).

- Represented a lender in navigating an “around the country” jurisdictional journey that involved: (1) prevailing in a contested removal proceeding from West Virginia state court to the Northern District of West Virginia; (2) then prevailing on heavily opposed transfer dispute from that court to the Middle District of Florida; (3) followed by obtaining a stay entered by the transferee federal court to allow summary judgment by a Florida state court to be entered. *Creative Commc’ns, LLC v. Iberiabank*, No. 5:14-cv-00036, 2014 WL 2111208 (N.D. W. Va. May 7, 2014).
- Represented bank in claim alleging improper loan servicing practices and obtained dismissal of improperly joined claims. *Barber v. America’s Wholesale Lender*, 289 F.R.D. 364 (M.D. Fla. 2013).
- Represented a leading component manufacturer in obtaining a judgment against a distributor. *Esys Latin Am., Inc. v. Intel Corp.*, 925 F. Supp. 2d 1306 (S.D. Fla. 2013).
- Represented Brazil-based bank in contesting attempted use of 28 U.S.C. § 1782 by Brazilian bankruptcy trustee for discovery in Brazil. Obtained a precedent-setting order staying proceeding pending resolution of issues in Brazil and Cayman Islands courts. *In re Application of Alves Braga*, 789 F. Supp. 2d 1294 (S.D. Fla. 2011).
- Successfully contested subpoenas and obtained fees for client. *Learning Connections, Inc. v. Kaufman, Englett & Lynd, PLLC*, 282 F.R.D. 574 (M.D. Fla. 2012).
- Defended telecommunications company in lawsuit challenging eligibility for free cell phones under the federal Lifeline program. *Schipke v. TracFone Wireless, Inc.*, 146 F. Supp. 3d 455 (D. Conn. 2015).
- Defended antitrust claims on behalf of international company in litigation lasting nearly 10 years through state and federal trial and appellate courts. *MYD Marine Distrib., Inc. v. Int’l Paint Ltd.*, 151 So. 3d 1263 (Fla. 4th DCA 2014).
- Represented nationally known recording artist in dispute with a service vendor. *Marley v. Jetshares Only, LLC*, 767 F. Supp. 2d 1337 (S.D. Fla. 2011).

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04.27.2020	COVID-19 Insurance Coverage Class Actions
04.15.2020	Are COVID-19 Business Interruption Claims Appropriate for a Coverage Class Action?
03.23.2020	FCC Issues Declaratory Ruling Regarding COVID-19-Related Messages
11.07.2019	Two Days in October Result in Two Different Rulings by District Court Judges in the Southern District of Florida Regarding Standing to Seek Injunctive Relief on Behalf of a Class
04.09.2019	Food for Thought: A Review of 2018 Litigation
03.23.2018	District Courts Split on Whether Bristol-Myers Squibb's Specific Personal Jurisdiction Analysis Bars Nationwide Class Actions In Districts Beyond Defendant's Home Venue
11.30.2017	Southern District of Florida Amends Local Rules
05.19.2017	Eleventh Circuit Deems Voluntary Dismissal of a Coverage Action Sufficient to Award Attorneys' Fees to a Policyholder as the Prevailing Party
04.10.2017	Spokeo Leaves Lower Courts to Wrangle With Article III Standing Issues
12.07.2016	What's New For Southern District Of Florida Local Rules
12.05.2016	New Amendments to Federal Rules of Civil Procedure
06.30.2016	Supreme Court's Spokeo Decision Leaves Questions Unresolved
05.17.2016	Supreme Court's Spokeo Decision Leaves Questions Unresolved
04.26.2016	Supreme Court Rules Against Using Settlement Offers to Moot Class Actions
03.30.2016	Federal Court Issues \$1 Million Contempt Award for Repeated Cell Phone Unlocking Misconduct
02.24.2016	Move Along; Nothing to See in Ninth Circuit's TCPA Opinion
12.03.2015	Extensive Changes to the Federal Rules of Civil Procedure
09.27.2015	Florida District Court Affirms Bankruptcy Court Bar Order In Favor Of Former Ds & Os
08.27.2015	6th Circuit Rules Prior Express Consent Defeats Mortgagor TCPA Claim Against Lender

05.07.2015	Eleventh Circuit Court of Appeals: Warrantless Cell Site Data Constitutional
03.25.2015	Eleventh Circuit Says No to Mooting Class Actions with Individual Offers of Judgment
12.22.2014	Eleventh Circuit Reverses Mais
03.31.2014	Courts Continue to Wrestle with TCPA Consent
11.08.2013	The Top Three Unsettled Telephone Consumer Protection Act Issues
12.22.2011	Service Abroad Under Federal Rule of Civil Procedure 4(f)(3)
09.15.2011	The Status of Service By Mail in the Eleventh Circuit

All News

10.22.2021	Carlton Fields' Aaron Weiss and Michael Zilber Author Law360 Article on Florida Deceptive and Unfair Trade Practices Act's Standing
07.01.2021	Carlton Fields' Aaron Weiss Quoted in WTAJ on in Recent Ruling in Favor of TracFone
06.28.2021	Carlton Fields' Aaron Weiss and James Czodli Author Law360 Article on Florida Deceptive and Unfair Trade Practices Act's Confusing Split Over 'Reasonable Consumer' Standard
06.25.2021	Carlton Fields' Aaron Weiss Reviews Recent Supreme Court TransUnion Ruling
05.11.2021	Court Decision Muddies Debt Collector Communications
04.02.2021	Focus Turns to Congress as Justices Narrow TCPA Liability
03.31.2021	Justices' View on Credit Reports Carries Impact for Data Claims
03.30.2021	Justices Grapple With Harm Line in FCRA Class Standing Row
03.08.2021	High Court Sides with Christian Students in Free Speech Fight
02.02.2021	11th Circ. Clarifies Ascertainability Standard for Class Actions
01.12.2021	Carlton Fields' Aaron Weiss Authors Article on Florida Deceptive and Unfair Trade Practices Act Improper Fees - Law360
01.07.2021	Carlton Fields' Aaron Weiss Authors Article on Amendments to Local Rules for Southern and Middle Districts of Florida - Daily Business Review

12.08.2020	Justices Struggle with Autodialer Definition in Facebook Row
11.06.2020	Carlton Fields' Aaron Weiss and Michael Zilber Author Law360 Article on Florida Deceptive and Unfair Trade Practices Act Forum Selection Clause
08.17.2020	Carlton Fields' Aaron Weiss Quoted in Law360 on \$8 Million Judgement in Favor of TracFone in Phone Trafficking Lawsuit
08.10.2020	Carlton Fields' Aaron Weiss Authors Article About TCPA Supreme Court Ruling
07.29.2020	Carlton Fields' Aaron Weiss Authors Law360 Article on Florida Deceptive and Unfair Trade Practices Act Split on Standing
06.08.2020	Aaron Weiss Authors Law360 Article on Florida Deceptive and Unfair Trade Practices Act Unfairness
03.04.2020	Postmates Escapes Robotext Claim in California
02.19.2020	Seventh Circuit Says AT&T Autodialer Doesn't Break U.S. Law
12.10.2019	Carlton Fields Telecommunications Attorneys Win 2019 Most Effective Lawyers Award
06.21.2019	High Court Punt Plunges TCPA Suits Into Greater Uncertainty
03.26.2018	Aaron Weiss Named to Law360's Telecommunications Editorial Advisory Board
08.23.2017	Blockchain Technology: Inevitable Disruption or Inflated Hype
03.03.2017	Aaron Weiss Named to Law360's Telecommunications Editorial Advisory Board

Professional & Community Involvement

- American Bar Association
 - Co-Chair, Class Actions Subcommittee, Commercial and Business Litigation Committee, Section of Litigation (2011–2013)
- The Florida Bar
 - Consumer Protection Law Committee (2020–present)
 - Co-Chair, CLE Subcommittee
- Miami-Dade Chamber of Commerce
 - Leadership Miami, Class of 2010–2011
- Dade County Bar Association

- Frequent presenter and conference panelist/moderator
- *Daily Business Review*
 - Regular columnist as part of the paper's board of contributors
- *Law360*
 - Telecommunications Editorial Advisory Board (2016–2020)
 - Columnist on the Florida Deceptive and Unfair Trade Practices Act (2020–present)

Speaking Engagements

- "Outbound Communications," Integrity Compliance Summit (May 4, 2022)
- "Facebook: 1 Year Later," Contact Center Compliance (April 1, 2022)
- "Preventing Class Actions Through Technology and Tools" and "Everything You Ever Wanted to Know About Florida's Mini TCPA But Were Afraid to Ask," 2021 Florida TCPA Compliance Summit, Clearwater Beach, FL (December 6–7, 2021)
- "What You Need to Know About Major Changes to Florida's Telemarketing Statutes," Celesq AttorneysEd Center (September 7, 2021)
- "Breaking Down Florida's New Mini TCPA," Contact Center Compliance Corp., DNC.com (July 7, 2021)
- "Personal Jurisdiction Over Nonresident Corporations After *Ford Motor Co. v. Montana Eighth Judicial District Court*," Strafford Publications Inc. (June 23, 2021)
- "Personal Jurisdiction in Class Actions After *Bristol-Myers Squibb Co. v. Superior Court of California*," Strafford Publications Inc. (July 28, 2020)
- "COVID-19 Insurance Coverage Class Actions," Carlton Fields (April 27, 2020)
- "Convergence of D&O Insurance Coverage With Bankruptcy & Insolvency," Turnaround Management Association, Atlanta, GA (August 2017)
- "What's New in Legal Technology for 2017," Dade County Bar Association 2017 Annual Bench and Bar Conference (February 2017)
- "Arbitration – Recent Developments," Dade County Bar Association 2016 Annual Bench and Bar Conference (February 2016)
- "December 1, 2015 Amendments to the Federal Rules of Civil Procedure," Dade County Bar Association (March 2016)
- "The Telephone Consumer Protection Act: Basics, Targeted Industries, and Trends," Carlton Fields (February 2015)
- "The Telephone Consumer Protection Act: Deep Dive: Details, Class Actions, Regulations, and Defense Strategies," Carlton Fields (February 2015)

CLE Presentations:

- "Amendments to Federal Rules of Civil Procedure," The Florida Bar approved CLE presentation
- "Application of FDIC Superpowers," The Florida Bar approved CLE presentation
- "Florida Service of Process," The Florida Bar approved CLE presentation

Credentials

EDUCATION

- Columbia Law School (J.D., 2003)
- Binghamton University (B.A., summa cum laude, 2000)

BAR ADMISSIONS

- Florida
- New York

INDUSTRY SPECIALIZATION CERTIFICATIONS

- Florida Supreme Court Certified Mediator

COURT ADMISSIONS

- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Eastern District of Arkansas
- U.S. District Court, Western District of Arkansas
- U.S. District Court, District of Colorado
- 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. District Court, Central District of Illinois
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Northern District of Indiana
- U.S. District Court, Southern District of Indiana
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Western District of Michigan
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, District of Nebraska
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, Southern District of New York
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, Western District of Tennessee
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- U.S. Bankruptcy Court, Southern District of Florida
- Florida State Courts
- New York State Courts

CLERKSHIPS

- Hon. James A. Belson, U.S. Court of Appeals, D.C. Circuit

Background

- Litigation Associate, O'Melveny & Myers LLP, New York, NY (2004–2007)
- Law Clerk to the Honorable James A. Belson, U.S. Court of Appeals for the District of Columbia (2003–2004)

Areas of Focus

PRACTICES

- Class Actions
- Consumer Finance
- Cybersecurity and Privacy
- Litigation and Trials
- Technology
- Telecommunications
- Telephone Consumer Protection Act

INDUSTRIES

- Banking, Commercial, and Consumer Finance
- Property and Casualty Insurance
- Securities & Investment Companies