



# Garth T. Yearick

SHAREHOLDER

WEST PALM BEACH

**P** : 561.650.0330

**F** : 561.659.7368

CONNECT

[gyearick@carltonfields.com](mailto:gyearick@carltonfields.com)

[LinkedIn](#)

## Overview

Garth Yearick has extensive experience in complex commercial litigation and product liability litigation. Garth represents drug and medical device manufacturers, chemical manufacturers, and other product manufacturers in personal injury actions in state and federal court.

Garth has represented a wide variety of defendants in commercial litigation matters including breach of warranty claims, Florida Deceptive and Unfair Trade Practices claims, trade secret claims, consumer class actions, and other statutory claims and business torts. He also has experience in litigating commercial claims involving unique issues relating to computer technology and internet website development.

He has also served as appellate counsel in matters before Florida's Fourth District Court of Appeal and the U.S. Court of Appeals for the Eleventh Circuit.

Garth has served as an associate editor, executive editor, and editor in chief of the ABA Section of Litigation's *Litigation News* publication. He has written more than 30 articles for that publication on a variety of topics.

## Experience

- *Bouldry v. C.R. Bard, Inc.*, 909 F. Supp. 2d 1371 (S.D. Fla. 2012). Removal issues; Class Action Fairness Act.
- *Zurich Am. Ins. Co. v. Hi-Mar Specialty Chems., LLC*, No. 9:08-cv-80255, 2012 WL 443229 (S.D. Fla. Feb. 10, 2012). Granting summary judgment in favor of third-party defendant on indemnity, contribution, and breach of implied warranty counts.
- *Zurich Am. Ins. Co. v. Hi-Mar Specialty Chems., LLC*, No. 9:08-cv-80255, 2010 WL 298392 (S.D. Fla. 2010). Dismissing negligent misrepresentation claim against third-party defendant with prejudice.
- *Coleman (Parent) Holdings, Inc. v. Morgan Stanley & Co. Inc.*, 20 So. 3d 952 (Fla. 4th DCA 2009). Affirming denial of motion to set aside judgment in favor of Morgan Stanley.
- *Zurich Am. Ins. Co. v. Hi-Mar Specialty Chems., LLC*, No. 9:08-cv-80255, 2009 WL 1851124 (S.D. Fla. 2009). Dismissing negligence and strict liability counts with prejudice pursuant to Florida's economic loss rule.
- *Morgan Stanley & Co. v. Coleman (Parent) Holdings, Inc.*, 955 So. 2d 1124

(Fla. 4th DCA 2007). Reversal of \$1.58 billion verdict due to improper damages expert testimony.

- *Access Now, Inc. v. Sw. Airlines, Co.*, 227 F. Supp. 2d 1312 (S.D. Fla. 2002), *appeal dismissed by* 385 F.3d 1324 (11th Cir. 2004). Dismissal of complaint with prejudice involving ADA and airline website. Dismissal of appeal due to preservation issues.
- *Humana Health Ins. Co. of Fla. v. Chipps*, 802 So. 2d 492 (Fla. 4th DCA 2001). Reversal of \$78 million judgment against Humana due to improper punitive damages evidence and other issues.
- *Columbia/JFK v. Spunberg*, 784 So. 2d 541 (Fla. 4th DCA 2001). Breach of medical staff bylaws and tortious interference.
- *Montgomery & Larmoyeux v. Philip Morris Inc.*, 19 F. Supp. 2d 1334 (S.D. Fla. 1998). Removal issues.
- *Montgomery & Larmoyeux v. Philip Morris Inc.*, 992 F. Supp. 1372 (S.D. Fla. 1998). Removal issues.

## All Insights

10.01.2018 Contributor, This Week's Florida Appeals Court Decisions

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05.01.2014 Expert's Communications with Non-Attorneys Held Discoverable

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05.05.2008 Section Leaders Assess Impact of Delaware Decision Exercising Jurisdiction Over Out-of-State Law Firm

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11.05.2007 Unique Facets of Internet Evidence Explained

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09.10.2007 Personal Notes Used by Witness Do Not Always Mean Waiver

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07.09.2007 Courts Consider Insurance Coverage of Wage and Hour Claims

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05.01.2007 Section and Legal Community Cultivate Podcast Programming

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03.01.2007 ABA Ethics Opinion Allows Litigators More Freedom to Review Adversaries' Metadata

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01.01.2007 Arbitration Of International Commercial Disputes in China on the Rise

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11.04.2006 Legal Blogs Evolving Into Valuable Tools for Lawyers

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09.01.2006 Class Action Counsel Evaluate Impact of Milberg Weiss Indictment

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07.02.2006 Seventh Circuit Allows Federal Computer Fraud Claim to Proceed

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05.01.2006	New Jersey Enacts Identity Theft Protection Act
03.01.2006	Judicial Conference Opposes Televised Federal Trials
01.27.2006	Significant Appellate Decision - Time Limits on Voir Dire
01.10.2006	States Regulate Asbestos Claims
11.01.2005	Federal Courts Streamline Jury Duty
07.01.2005	Second Circuit Upholds Governmental Attorney-Client Privilege
06.15.2005	Appellate Practice Pointer
06.15.2005	Significant Appellate Decision - Spoliation
05.06.2005	Attorney Reprimanded for Incomplete Appendix
05.01.2005	New Class Action Fairness Act Makes Sweeping Changes
01.08.2005	ABA Pursues Principles for Juries and Jury Trials
11.10.2004	Eighth Circuit Expands After-Acquired Evidence Doctrine
11.10.2004	Supreme Court Rejects Reverse Age Discrimination Claims
09.20.2004	The Pros and Cons of Using Jury Consultants
07.26.2004	Software and Data Not Covered Under Commercial Liability Policy
05.26.2004	Wells Submissions to the SEC Are Not Settlement Materials Protected from Discovery
03.15.2004	ABA Survey Shows Computer Systems Used by Many Solo and Small Firm Practitioners Are Vulnerable to Hackers
03.05.2004	Courts Struggle with Privacy Implications of E-Filing
11.30.2003	Serving as Local Counsel Has Many Pitfalls
11.01.2003	Blogs Invade the Legal Profession, But Lawyers Debate Their Impact

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- 07.15.2003 Court Sanctions Attorney for Footnote Suggesting Lower Court Had Unethical Motivations
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- 05.13.2003 Federal Judges Receive COLA for 2003, But Larger Problems Linger
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- 05.13.2003 Lawyers and Judges Address Internet-Surfing Jurors
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- 03.30.2003 Lawyers Discuss Impact of Digital Photography on Today's Litigation
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- 11.01.2002 Lawyers Address Destruction of Testifying Experts' Draft Reports

## All News

- 11.15.2019 Carlton Fields Attorneys Garth T. Yearick and Ashley C. Drumm Recognized for Service to FBA Chapter

## Recognition

- AV Rated by Martindale-Hubbell
- Most Effective Lawyers Award, *Daily Business Review* (2016)
- Top Lawyers, *Florida Legal Guide* (2013–2016)
- Top Up and Comers, *South Florida Legal Guide* (2008–2012)

## Professional & Community Involvement

- Federal Bar Association, Palm Beach County Chapter (1997–present)
  - Chapter Past President (2019–present)
  - Chapter President (2018–2019)
  - Chapter Vice President (2017–2018)
  - Chapter Secretary (2016–2017)
  - Chapter Treasurer (2015–2016)
  - Chapter National Delegate (2014–2015)
  - Prior Member, Naturalization Committee
  - Chair, Federal Court Orientation Committee (2013–2014)
  - Prior Member, Technology Committee
- American Bar Association, Section of Litigation (2002–present)
  - Co-Chair, First Chair Press (2014–2016)
  - Senior Editor, *Litigation News* (2011–2012)
  - Editor in Chief, *Litigation News* (2010–2011)
  - Executive Editor, *Litigation News* (2008–2010)
  - Associate Editor, *Litigation News* (2002–2008)
  - Past Appointed Member, Ethics and Professionalism Committee (2013–2014)

- Past Appointed Member, Task Force on the Attorney-Client Privilege (2012–2013)
- Past Appointed Member, Section Chair's Special Committee on Technology Issues (2009–2010)
- Past Appointed Member, Section Chair's Special Committee on the Publishing Summit (2006–2009)
- The Florida Bar
- Palm Beach County Bar Association (1996–present)
  - Prior Member, Fundraising Committee for PBCBA's educational program and exhibits for the 15th Circuit's Historic Courthouse
  - Prior Member, Technology Committee

## Speaking Engagements

- Facilitator, Civil Discourse and Difficult Decisions Program for high school students at the Paul G. Rogers Federal Building and U.S. Courthouse (August 30, 2018)
- Attorney Coach, Civil Discourse and Difficult Decisions Program for students at Palm Beach State College (February 28, 2018) (a video from the Administrative Office of the U.S. Courts that summarizes the program can be viewed at the following link: <https://youtu.be/u0WwhHCYhg8>)
- Palm Beach County Bar Association's Bench Bar Conference, Federal Session (March 10, 2017)
- Federal Court Orientation Program, Palm Beach County Chapter of the Federal Bar Association (December 8, 2016)
- Federal Court Orientation Program, Palm Beach County Chapter of the Federal Bar Association (December 10, 2015)
- Federal Court Orientation Program, Palm Beach County Chapter of the Federal Bar Association (December 11, 2014)
- Federal Court Orientation Program, Palm Beach County Chapter of the Federal Bar Association (December 12, 2013)
- "Forensic Discovery of Electronic Data," Florida Association for Women Lawyers Luncheon (March 13, 2013)
- "Tackling E-Discovery: Creating Effective Policies and Processes," Counsel to Counsel Forum (March 27, 2007)

## Credentials

### EDUCATION

- University of Florida College of Law (J.D., with honors, 1996)
- Emory University (B.A., 1992)

### 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

- Florida State Courts

## **Areas of Focus**

### PRACTICES

- Intellectual Property
- Litigation and Trials
- Mass Tort and Product Liability
- Technology