



# Alana Zorrilla-Gaston

SHAREHOLDER

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## Overview

Alana Zorrilla-Gaston represents *Fortune* 500 companies in complex and class action litigation in state and federal courts. She handles both trials and appeals. Alana has particular experience representing clients in the construction and consumer finance industries.

A substantial portion of her practice involves real property litigation, representing major developers and contractors in construction disputes, including construction defect litigation, bond claims, contract claims, and disputes over construction liens. Alana also has extensive experience representing national financial lenders in lender liability and loan servicing litigation. In addition, she has represented some of the nation's largest telecommunications companies in federal suits aimed at stopping the unlawful international trafficking in prepaid wireless phones and theft of consumer subsidies.

## Experience

### Appellate

- Led project for bank client involving nearly 200 trial-level cases and multiple appeals focusing on evolving law on acceleration, statute of limitations, and res judicata issues in foreclosure suits; assisted in winning multiple trials in these cases, saving client money and helping client to avoid significant risk.
- Obtained appellate court affirmances of final judgments entered in favor of client after trial in foreclosure matters.

### Consumer Finance

- Obtained reversal of order dismissing banking client's claim, with remand for entry of judgment in favor of the bank; favorable written opinion would be used in many other pending cases, to clients' benefit.
- Obtained final judgment in favor of bank client after trial and many years of litigation. Significantly, this was the second trial in this case, as the prior plaintiff's counsel had previously lost the case. Convinced the appellate court to reverse the final judgment in defendant's favor and allow us to re-try the case.
- Defended bank and opposed class certification in case alleging bank

violated the Florida Consumer Collection Practices Act (FCCPA) and made misrepresentations in connection with borrowers' default on mortgage loan.

- Obtained reversal of final judgment against our client in case involving an alleged loan modification that was never finalized and a trial court ruling ostensibly requiring a loan modification and denying foreclosure. The reversal was particularly difficult to obtain because there was no trial transcript.

### **Construction**

- Obtained dismissal of claims against clients after lengthy litigation. Avoided declaratory relief that would have adversely affected the client's development plans for future projects.

### **Telecommunications**

- Assisted in obtaining more than \$22.8 million in final judgments for telecommunications client in federal lawsuits aimed at stopping the unlawful international trafficking in prepaid wireless phones and theft of consumer subsidies.

### **Representative Cases**

- *HSBC Bank USA, Nat'l Ass'n for Luminent Mortg. Tr. 2007-2 v. Sanchez*, 245 So. 3d 784 (Fla. 4th DCA 2018) (reversing order of dismissal on grounds of statute of limitations and remanding for entry of judgment in favor of bank; holding bank's allegation of payment defaults during pendency of prior foreclosure action and thereafter were sufficient to state a cause of action).
- *Wachovia Mortg. Corp. v. Posti*, 166 So. 3d 944 (Fla. 4th DCA 2015) (reversing final judgment in favor of borrower).
- *Hollingsworth v. Deutsche Bank Nat'l Tr. Co.*, 170 So. 3d 810 (Fla. 1st DCA 2015) (affirming denial of relief to borrower).
- *Bloch v. Wells Fargo Home Mortg.*, 755 F.3d 886 (11th Cir. 2014), cert. denied, 572 U.S. 1151 (2014) (affirming district court's granting of summary judgment to Wells Fargo).
- *Tribble v. Deutsche Bank Nat'l Tr. Co.*, No. 9:13-cv-80938, 2014 WL 186126 (S.D. Fla. Jan. 16, 2014) (granting motion to dismiss complaint against bank).
- *Holcomb v. Fed. Home Loan Mortg. Corp.*, 9:10-cv-81186, 2012 WL 718814 (S.D. Fla. Mar. 5, 2012) (granting motion for final summary judgment in favor of lender).

### **Professional & Community Involvement**

- The Florida Bar
- Leadership Council on Legal Diversity
  - Fellows Program (2019–2020)
- Martin County Bar Association
- Palm Beach County Bar Association
  - Young Lawyers Section, Executive Board Member (2007–2013)

## Credentials

### EDUCATION

- University of Georgia School of Law (J.D., magna cum laude, 2006)
- Duke University (B.A., magna cum laude, 2002)

### BAR ADMISSIONS

- Florida

### LANGUAGES

- Spanish

### 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

- Construction Litigation
- Consumer Finance
- Development
- Lending
- Litigation and Trials
- Real Property Litigation
- Telecommunications

### INDUSTRIES

- Banking, Commercial, and Consumer Finance
- Construction
- Real Estate