John D. Goldsmith

Shareholder

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Overview

John Goldsmith is a Shareholder in the firm's Litigation and Dispute Resolution Group. He practices complex litigation including constitutional torts (civil rights such as 1981 and 1983 claims), employment discrimination and related claims, antitrust, intellectual property, products liability, class actions, health care, and Multi District Litigation (MDL). He tried to verdict multiple constitutional tort, discrimination, anti-competition, intellectual property, contract and tort claims. John has represented Fortune 100 companies, mid-size companies, small start-ups, individuals, cities, school boards, universities, and other governmental entities. He represents a wide variety of participants in the health care industry, including insurers, physicians, medical product and drug manufacturers, bond holders, and medical practices in a wide range of litigation, administrative proceedings and bankruptcy. He has also been involved in defending class actions in MDL litigation. John has had considerable success in managing MDL defense litigation and opposing class certification, including arguing for the application of the federal Class Action Fairness Act (CAFA) and various immunities available to defendants in certain industries.

Representative Matters

- Successfully defended a group of 16 chiropractors, clinics, and medical doctors who were sued by an insurance company for fraud, civil conspiracy, unjust enrichment, FDUPTA and declaratory judgment, alleging medically unnecessary treatment of over 1,000 patients over 6 years. The jury returned a 100% defense verdict after a 3 week trial.
- In Re: Recomm, represented nationwide manufacturer in MDL in Tampa in hundreds of lawsuits and by law enforcement agencies in over 40 states. Negotiated and obtained approval of reorganization plan, which resolved over 21,000 product claims (1995-1998)
- Dillon v. Graf, et al., lead defense counsel in MDL pending in Nevada against over 600 insurance agencies for selling over a billion dollars of insurance written on an insurance company with fraudulent financials, resulting in over $90 million in unpaid medical claims. (2002-2006)
- Andro Class Action Litigation, lead counsel litigating a series of statewide and nationwide class actions in California, Colorado, Florida, Illinois, Pennsylvania, New Jersey, and New York based on the asserted illegal sale of andro products. (2002-2011)
- In Re: Vioxx Products Liability Litigation, local counsel for certain cases filed in Florida and removed to MDL in New Orleans.
- In Re: Trasylol Products Liability Litigation, local counsel for certain cases removed to MDL in West Palm Beach.
- Consultation with manufacturer of medical products regarding potential MDL litigation based on publication of study and management of insurance issues for potential claims (2016-17).
- Wilmington Savings v. LMF and BLG, successfully defended large class action in Tampa federal court (2015-17)
- Kamra v. LMF and BLG, defended large class action in Tampa federal and state court (2016-17).
- Festiva Orlando Resort HOA - v. Reeves. negotiated large class action settlement in Orlando federal court brought on behalf of several thousand

Alternate Contact

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Practice Areas

- Litigation and Dispute Resolution
- Bankruptcy and Creditors' Rights
- Casualty / Personal Injury Defense
- Class Actions
- Cybersecurity and Data Privacy
- Employment
- Health Care
- Intellectual Property
- Professional Liability
- Technology Company Transactions

Education

- J.D., Yale Law School, 1984
  - Mellon Foundation Fellow in the Social Sciences, 1984-1986
  - Yale Law Journal
- M.A., *summa cum laude,*Communication, University of South Florida, 1982
- B.A., Communication; Criminal Justice, University of South Florida, 1980

Admissions

- Florida
- United States District Court, Middle, Southern and Northern Districts of Florida, SDNY, EDNY and Connecticut
- United States Court of Appeals, Second, Sixth, and Eleventh Circuits
- United States Court of Federal Claims
- United States Supreme Court

timeshare owners (2013-16)
- Tried more than 35 cases to a jury verdict in state and federal court in product liability, personal injury, commercial litigation, and civil rights.

Honors and Distinctions

- *Tampa Magazine's Top Lawyers List*, 2020-2021, 2023-2026
- AV Preeminent Peer Review Rated by Martindale-Hubbell
- *The Best Lawyers in America*
  - Commercial Litigation, 2021-2027
  - Corporate Law, 2014-2027
  - Employment Law - Management, 2024-2027
  - Litigation - Bankruptcy, 2025-2027
  - Litigation - Labor & Employment, 2021-2027
  - Privacy & Data Security Law, 2025-2027
  - Litigation - Health Care, 2023-2025
- *Florida Super Lawyers,* 2011-2020 (10+ year recognition)
- *Florida Trend's Legal Elite* 2010-2012

Community Involvement

- Church Attorney, Episcopal Diocese, 2009-present
- Religious Community Service Board of Directors, 2008-present
- LifePath Hospice, Board of Directors, 1994-2000
- Florida Board of Regents, Member, 1979-1980

Thought Leadership

John has written extensively, and presented seminars, on complex litigation, MDLs, class actions, and business damages. Recent engagement includes:

- "John Goldsmith Shares Insights on FTC Noncompete Ban for the Tampa Bay Business Journal," *Tampa Bay Business Journal*, April 2024
- "John Goldsmith Discusses FTC Non-Compete Restrictions in Tampa Bay Business Journal," *Tampa Bay Business Journal*, February 2023
- "Legal Issues in NonProfit Board Governance," Speaker, Religious Community Services, Inc. Virtual Annual Retreat, July 2020
- Causation: The Often Overlooked/Missing Link in Determining Damages," Panelist, ABA Section of Litigation Solo and Small Firm Committee, April 2020
- "John Goldsmith Discusses Retailer Liability for Chip Credit Card Fraud in Retail Merchandiser", October 2017
- "John Goldsmith Discusses Credit Card Chip Theft on Tampa's WFLA Channel 8 News", August 2017