Kyle F. McCabe

Associate

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Overview

Kyle McCabe is an associate in the firm's Litigation and Dispute Resolution Practice Group. Kyle previously worked for Trenam as a Summer Associate while in law school. Additionally, he served as a Federal Judicial Extern for the U.S. District Court, Middle District of Florida under the Honorable Anthony E. Porcelli.

Representative Matters

Kyle represents clients in general business and civil litigation. These matters have included:

- Represented a commercial landlord in post-eviction claim for damages caused by a former tenant during a lease; obtained final summary judgement on all claims, including for treble damages under Florida's Civil Theft statute.
- Represented a real estate acquisition and management firm, which specializes in hotels, and associated individual and entities in defending multi-million-dollar claims brought against them by a former employee; drafted Federal Rule 50 Motion for Judgment as a Matter of Law that was partially granted after the plaintiff rested his case during a one-week federal jury trial.
- Successfully defended a group of 16 chiropractors, chiropractic clinics, medical doctors, and a nurse practitioner who were sued by State Farm for fraud, civil conspiracy, unjust enrichment, FDUPTA and declaratory relief, alleging medically unnecessary treatment of over 1,000 patients over the course of 6 years. The jury returned a 100% defense verdict after a 3 week trial.
- Represented international wine maker and associated individuals and entities in defending breach of fiduciary duty, conspiracy, aiding and abetting, breach of contract, and unjust enrichment claims seeking multi-million dollar disgorgement damages. After a multi-week trial in Miami-Dade County's complex business division, a full defense verdict was entered by the court. After this ruling, the case, and the clients' claims for attorneys' fees and costs from the plaintiff, ultimately settled favorably.
- Represented an auto warranty company; in obtaining a final judgment denying and dismissing all claims against the company after a bench trial.
- Represented a lender involved in a construction dispute; obtained dismissal of all counts prior to filing a response in the action.
- Represented a financial institution in a foreclosure action; obtained substitute service through the Secretary of State and a default judgment against the defendants who were concealing their whereabouts.
- Represented an insurance company defending a claim alleging breach of its policy; obtained favorable settlement prior to filing any responses or answering the plaintiff's written discovery.
- Represented a global assistive technology provider that had a default entered against it in a writ of garnishment action; vacated default and obtained dismissal of garnishment.
- Represented an electrical contractor in a proceeding to enforce non-competition and non-solicitation agreements; obtained a settlement for damages resulting from a violation of an injunction.
- Represented a business in defending an unpaid wage claim; obtained partial summary judgment which significantly reduced the amount of potential

Practice Areas

- Litigation and Dispute Resolution

Education

- J.D., *magna cum laude*, Stetson University College of Law, 2020
  - *Stetson Law Review*
  - Dispute Resolution Board
  - Trial Team Competitor
- B.A., Auburn University, 2012

Admissions

- Florida
- United States District Court, Middle District of Florida
- United States District Court, Southern District of Florida

damages.
- Represented a landscaping company in a dispute against a competitor over a breach of a non-disclosure agreement; obtained summary judgment on all issues besides damages, which led to a favorable settlement prior to trial.
- Represented a general contractor in a dispute with residential homeowners; successfully defended a motion for summary judgment on the homeowners' fraudulent lien claim.
- Represented a commercial landlord in eviction proceeding; obtained full payment of all past due rent, late fees, interest, and attorneys' fees owed by the tenants without having to file the eviction action in court.
- Represented a residential property manager seeking possession and damages from a tenant who was behind on rent and caused physical damage to the property; despite CDC eviction moratorium in effect at the time, obtained judgment for possession and damages.
- Represented a residential tenant in specific performance suit to purchase the leased property from his landlords after they tried to back out of the contract; obtained mediated settlement whereby the tenant purchased the property.
- Represented a commercial property manager in obtaining final judgment against a corporate guarantor for full payment of past-due rent, late fees, interest, and attorneys' fees and costs.

Honors and Distinctions

- *The Best Lawyers in America: Ones to Watch*, Commercial Litigation, 2027
- *Florida Super Lawyers*, *Rising Stars*, Business Litigation, 2023-2026

While in law school:

- Edward D. Foreman Most Distinguished Student Award May 2020 Stetson University College of Law
- Nominee for the Order of Barristers May 2020 Stetson University College of Law
- Most Outstanding Associate Spring 2020 Stetson Law Review
- Research and Writing II: Employment Discrimination Teaching Assistant Spring 2020
- South Texas Trial Team Member Spring 2020 Stetson University College of Law
- ABA Arbitration Competition National Qualifier Spring 2020 Stetson University College of Law
- ABA Tax Challenge Team Member Fall 2019 Stetson University College of Law
- Federal Income Taxation Teaching Assistant Fall 2019
- Highest Grade Designation Bankruptcy Fall 2019
- Highest Grade Designation Sales/Leases Fall 2019
- Member of the Willem C. Vis International Commercial Arbitration Moot Competition Team
- Torts Teaching Assistant Spring 2018
- Highest Grade Designation Real Property Spring 2018
- Highest Grade Designation Torts Spring 2018
- Dean's List Fall 2019; Spring 2019; Spring 2018; Fall 2017
- Intramural Basketball MVP Stetson University College of Law

Professional Involvement

- Business Law Section of The Florida Bar
  - Legislative Task Force, Amending Chapter 48 of the Florida Statues, 2021
- St. Petersburg Bar Association
- The Florida Bar

Community Involvement

- St. Pete-Clearwater Auburn Alumni Affiliate
  - Member of the Board, 2022 Present
  - Chairman of the Young Alumni Committee, 2022 Present
  - Treasurer, 2023 - Present

Thought Leadership

- "Intro to Business Law", Speaker, University of Tampa Intro to Business Law, March 2022
- "Intro to Business Law", Speaker, University of Tampa Intro to Business Law, October 2021