

## Litigation and Dispute Resolution

Trenam's litigation practice has the depth and knowledge to help clients with almost any problem they may confront. Our Litigation and Dispute Resolution Group is comprised of individuals from a variety of backgrounds with a substantial range of expertise and there is almost no area of litigation and dispute resolution in which we have not been involved. Our experience ranges from securities litigation to franchising and lender liability, to complicated commercial disputes involving contract, fraud and employee-raiding claims.

We assist our clients in responding to challenges in developing areas of law, including class action litigation and environmental claims and related insurance coverage issues. We take pride in assisting attorneys outside our firm in complicated litigation or in the appeal of matters we were not involved in at the trial level. In these and in many other aspects of our litigation practice, our attorneys are often called upon to speak at continuing legal education presentations and to participate in other educational activities sponsored by both bar and private groups.

Our Litigation and Dispute Resolution Group also assists our clients, in conjunction with lawyers in other areas of our practice, in structuring their contract and business relationships so as to avoid litigation and increase the client's chances of prevailing where litigation is unavoidable.

### **Practice areas include:**

- Administrative and Rulemaking
- Asset Freeze and Forfeiture Matters
- Arbitration and Mediation
- Civil False Claims and Qui Tam Suits
- Class Actions
- Covenants Not to Compete
- Environmental Violations
- ERISA Litigation
- Financial Institutions Litigation
- Franchising Litigation
- Health Care Fraud
- Injunctions
- Insurance Coverage Litigation
- Insurance Fraud
- Intellectual Property
- Medical Malpractice Defense
- Organ and Tissue Procurement Law
- Price-fixing and Bid Rigging
- Procurement Fraud
- Products Liability Defense
- Professional Licensure Actions
- Real Estate Litigation
- Representation of Professionals including Malpractice

### **Representative Matters:**

#### Business Litigation

- Represented local government franchisee in antitrust action, resulting in favorable decision before the Eleventh Circuit Court of Appeal.
- Lead trial counsel in trial for private circuit board manufacturer in competing state court claims resulting in \$10 million judgment for manufacturer.
- Represented developer in breach of contract claim resulting in \$4M award.
- Defended publicly traded distributor against a \$40 million breach of contract/breach of fiduciary duty claim resulting in a defense verdict.
- Prevailed at jury trial and obtained final judgment (affirmed on appeal) in favor of investors on claims of breach of fiduciary duty, fraud and violation of franchise and securities statutes.
- Successfully represented former owners of a healthcare company in state court litigation involving a multi-million dollar earn-out provision.

- Defended public company in fraudulent transfer action by former shareholder of consultant hired by public company.
- Represented seller of a multi-million dollar home healthcare business in a federal lawsuit involving fraud, negligence, and breach of contract allegations; obtained extremely favorable settlement for client after successfully deposing opposing party.
- Represented business owner in an injunction lawsuit involving complex corporate and partnership issues; successfully dissolved injunction previously entered against client, which allowed client to continue operating its business.
- Represented medical practitioner in a lawsuit involving intricate shareholder issues and fiduciary claims; obtained settlement that forced the early buy-out of client on favorable terms.
- Represented business owners in resolving Federal Trade Commission investigation related to consumer advertising claims resulting in settlement to avoid seven figure fines.
- Represented former owner of multi-location restaurant chain in defense of class-action.
- Obtained six-figure domestic judgment against an international non-vessel operating common carrier and non-asset-based logistics provider.
- Represented trucking company in a federal lawsuit involving complex breach of contract issues; obtained favorable settlement for client after successful mediation with the parties.

### Class Action

- *Wilmington Savings v. LMF and BLG*, successfully defended large class action in Tampa federal court.
- Successfully defended class action claims relating to home and condominium owners association debts and collections. Plaintiff moved for class certification and was denied. See *Wilmington Sav. Fund Soc'y, FSB v. Bus. Law Group, P.A.*, 319 F.R.D. 386 (M.D. Fla. 2017). The case was favorably resolved on an individual basis shortly thereafter.
- Secured dismissal of class action claims, including Florida Deceptive and Unfair Trade Practices Act ("FDUPTA") claims, brought against a restaurant chain relating to the number of wings provided per customer order.
- Obtained dismissal of class action against check cashing business involving claims brought under the Fair Credit Reporting Act and the Florida Deceptive and Unfair Trade Practices Act.
- Represented individual member of nationwide network in class-based claim against network owner, resulting in favorable settlement.
- *In Re: Vioxx Products Liability Litigation*, local counsel for certain cases filed in Florida and removed to MDL in New Orleans.
- *In Re: Trasyolol Products Liability Litigation*, local counsel for certain cases removed to MDL in West Palm Beach.
- *Festiva Orlando Resort HOA v. Reeves* negotiated large class action settlement in Orlando federal court brought on behalf of several thousand time share owners.
- Defended publicly traded company in defense of federal court class action claims based on fraud and Unfair and Deceptive Trade Practices Act.
- Represented board of directors of large nonprofit hospital in related and multiple class and other cases in state and federal courts in defense of ERISA, fiduciary duty, contract and tort claims.
- Defended homeowners association in class action litigation alleging fraud in connection with timeshare owners' ownership interests, and successfully negotiated settlement between class representatives and multiple defendants.
- Represented former owner of multi-location restaurant chain in defense of class-action.
- Defended an investment company in class action data breach case.
- Consultation with manufacturer of medical products regarding potential MDL litigation based on publication of study and management of insurance issues for potential claims.
- *Kamra v. LMF and BLG*, defended large class action in Tampa federal and state court.

### Employment Litigation

- Represented a medical supply company in litigation against a former executive and his new employer for breaching a non-competition and confidentiality agreement and misappropriation of trade secrets.
- Defended restaurant and obtained dismissal of misappropriation of trade secrets, conspiracy and tortious interference claims against client.
- Represented a dietary and health supplement manufacturer against damage claims based on alleged violations of non-compete and trade secret violations.

### Financial Institutions

- Represented financial institution in dispute over fraudulently issued check; obtained summary judgment on key claims raised by the plaintiff, which led to a favorable settlement for the client.
- Defended national bank in action brought by SEC receiver seeking more than \$180 million in damages based on investment fraud perpetrated by bank's customer. Prevailed on summary judgment on all claims, and successfully defended receiver's appeal to the United States Court of Appeals for the Eleventh Circuit.

- Successfully defended national bank in arbitration of claims in excess of \$3M dollars in which the plaintiff asserted claims related to alleged unauthorized wire transfers and deposits by employee.
- Defended banks in actions seeking damages based on the bank's payment of forged or unauthorized checks from customers' accounts.
- Defended banks in lawsuits alleging violations of the Florida Consumer Collections Practices Act (FCCPA) and the Telephone Consumer Protection Act (TCPA).
- Successfully defended bank in quiet title action where the plaintiff obtained property in bankruptcy court and attempted to strip the bank of its first mortgage.
- Represented a financial services client in obtaining and collecting a \$6 million deficiency judgment after commercial foreclosure and defending adversary claim brought by commercial borrower in bankruptcy.
- Counsel for national bank in defense of \$400 million Ponzi scheme claims in which bank prevailed at summary judgment.
- Represented banks to resolve claims alleging violations of debt collection laws, including the Florida Consumer Collection Practices Act and the federal Fair Debt Collection Practices Act.
- Represented a financial services client on a large portfolio of pending foreclosure actions to defend the client against affirmative defenses related to alleged violations of state and federal consumer statutes, including TILA, RESPA, FDCPA, and FCCPA.
- Represented a surety in enforcement of notes and guaranties, and defended client against counterclaims related to accounting raised by bail bond borrower.
- Defended a bank in a lawsuit filed by non-customer, alleging claims of aiding and abetting fraud and conspiracy to commit fraud as a result of a deposit relationship.
- Represented lender in contested foreclosure of \$47 million mortgage on condominium development in the Florida Keys.
- Represented lender in contested foreclosures of three related resort properties in Naples, Florida based on mortgages totaling over \$89 million.
- Represented insurance company lender in contested foreclosure of \$10 million mortgage on citrus groves.

#### Insurance Litigation

- Represented national title insurance company in defense of multimillion claim for alleged loss of development rights due to public's right to use the dry-sand beach area of an Atlantic oceanfront commercial parcel. Prevailed on summary judgment on all claims, and awarded costs and fees incurred in the defense.

#### Intellectual Property Litigation

- Represented a water excavation company in litigation before the Trademark Trial and Appeal Board against a former employee and competitor who sought to obtain a trademark on the client's proprietary information. Successfully obtained a dismissal of the trademark application for fraud on the TTAB.
- Represented publicly-traded funding company in removing multimillion dollar deceptive trade practices class action to federal court, and in defeating motion to certify plaintiff class.
- Represented Grammy Award winning music group and the owner of its intellectual property in a successful trademark ownership (*and infringement*) trial regarding use and ownership of the band's name, blocking the improper use of the group's name by a former, founding member of the group, and obtained a worldwide preliminary and permanent injunction. This matter has been appealed to and affirmed twice by the Eleventh Circuit Court of Appeals.
- Represent regional menswear retailer in the successful defense and settlement of a trademark infringement dispute asserted in Federal Court with famous men's lifestyle magazines publisher.
- Obtained judgment at trial for reality-television company, in connection with its production of nationally syndicated, home renovation show involving alleged copyright and invasion of privacy issues with finding of no liability.
- Achieved a successful resolution for a company in a trademark infringement action against a defendant who registered domain names confusingly similar to company's marks (commonly known as "cybersquatting").
- Represented nationally recognized fitness personality's shoe brand in defense of United States Patent and Trademark Office Trademark Trial and Appeal Board petition to cancel trademark.
- Represented international biotech designer/manufacturer and related corporate principals in defense and prosecution of intellectual property, software, copyright, contract and shareholder claims in multiple state, federal and international courts.
- Represented commercial music services provider in federal lawsuit involving claims of intentional interference, false representations, trade secrets, and conspiracy; obtained favorable settlement for client, which included a full release of all claims.
- Represented national company in connection with trademark registrations arising from rebranding and related office actions in United States Patent and Trademark Office.

#### Landlord/Tenant Litigation

- Represented an Orlando-based commercial shopping center landlord in securing the urgent and time-critical evictions of multiple delinquent tenants, some of whom attempted to file for bankruptcy protection.
- Represented a commercial landlord located in Tallahassee, Florida in evicting and pursuing damages against delinquent tenant and guarantor.
- Successfully represented a commercial landlord, through its property management company, in securing the eviction of multiple delinquent tenants who attempted various litigation tactics, including attempting to contest service of process, in order to remain in the premises.

#### Medical Malpractice Defense

- Represented multiple clients in obtaining settlements against Merck & Company, one of the largest international pharmaceutical companies, due to injuries sustained by use of Vioxx.
- Representation of medical device manufacturer in connection with wrongful death claim alleging failure of telemetry/monitoring devices.
- Represented medical device manufacturer/medical device maintenance provider in personal injury claim based on radiation burns received during imaging.
- Represented medical device manufacturer in connection with potential claim that infusion pump cause neonatal injury.
- Representation of manufacturer of electrical distribution and generation products in multiple personal injury and property damage claims involving transformers, generators, bus bars, uninterruptible power supply devices and surge arresters.

#### Professional Malpractice

- Represented a lawyer and law firm sued for legal malpractice and breach of fiduciary duty in connection with a trademark infringement action. Obtained dismissal of \$80 million in damage claims and a settlement on favorable terms for the client avoiding trial.
- Represented a lawyer and law firm sued for legal malpractice and breach of fiduciary duty in a claim brought by the FDIC. The case was successfully appealed in favor of the lawyer and firm at the 11th Circuit.
- Successfully defended law firm in numerous claims, including violations of the Fair Debt Collection Practices Act and Florida Consumer Collection Protection Act; obtained award of attorney's fees.
- Represented owners and contractors in multi-million dollar cases involving claims of professional malpractice and delay on large-scale mixed use projects.
- Defended estate planning attorney in litigation with surviving spouse alleging that defendant negligently drafted will and trust.
- Defended attorney in legal malpractice action against claims that he negligently drafted prenuptial agreement.

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