

Kelly J. Ruoff Shareholder

St. Petersburg

200 Central Avenue
Suite 1600
St. Petersburg FL 33701

Direct Line: (727) 824-6185
Fax: (727) 820-0835
Email: KRuoff@trenam.com

Overview

Kelly Ruoff is a shareholder and member of the Commercial Litigation Practice and also works with the firm's Bankruptcy and Creditor's Rights Group and Financial Services Industry Group.

Kelly assists clients through the entire litigation process, also having experience with post-judgment creditors' rights and appeals. She has handled cases in a wide variety of commercial litigation matters including shareholder disputes, partnership disputes, non-competes, and breach of contract matters.

With a focus on bank counseling and banking litigation matters, Kelly has successfully defended financial institutions in numerous lawsuits filed by customers and third parties who sought to impose liability against Banks under Florida's Uniform Commercial Code or tort law. Kelly has also assisted many clients (banks and others) with garnishments and other execution efforts, including seizure of property and institution of proceedings supplementary to avoid fraudulent transfers.

Representative Matters

Appellate Experience

- Secured affirmance of an order dismissing complaint for breach of fiduciary duty arising from criminal trial, and affirmance of post-trial motion related to the same matter.
- Secured affirmance of an order dismissing plaintiff's conspiracy claim against condominium association and the association's counsel.
- Secured affirmance of orders denying post-trial motions, following judgment of no liability, in a negligence action filed against condominium association.
- Secured an affirmance in the 11th Circuit Court of Appeals of a district court's summary judgment holding that a financial institution was not liable to the receiver plaintiff for claims of negligence or under the Florida Uniform Fraudulent Transfers Act (UFTA) in a case where the receiver alleged damages in excess of \$100 million.

Banking Litigation

- Defended a bank in an action alleging negligence relating to, and conversion of, checks in excess of \$500,000.
- Defended a bank in an action alleging unauthorized check and ATM



Alternate Contact

Sheri Lord
Secretary
(727) 820-3989
slord@trenam.com

Practice Areas

Commercial Litigation
Financial Services
Appellate
Bankruptcy and Creditors'
Rights

Education

J.D., *cum laude*, Stetson
University College of Law, 2010

Moot Court, Board Member
Honors Colloquium

M.B.A., Stetson University, 2010
B.A. *magna cum laude*, Business
Administration, Drexel
University, 2006

Peter G. Stercho Award for
Excellence in Economic and
International Business Writing

Admissions

Florida

United States District Court,
Middle District of Florida

United States Court of Appeals,
Eleventh Circuit

transactions from customer's account.

- Defended a bank in an action alleging unauthorized wire transfers from customer's account.
- Defended a bank in an action filed by non-customer related to a deposit of checks.
- Defended a bank in a lawsuit alleging various claims related to the bank's prior foreclosure action.
- Defended a bank in an action alleging unauthorized transactions from a customer's account.
- 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.
- Defended a bank in a suit alleging wrongful chargeback of deposited item.

Bank Counseling

- Advised a financial institution on UCC issues regarding altered claim check.
- Advised a financial institution regarding its rights under the UCC with respect to potentially fraudulent checks.

General Commercial Litigation Matters

- Achieved successful resolution for partner in lawsuit against partnership for breach of partnership agreement.
- Successfully defended actions against employees for breach of non-compete and related claims.
- Achieved successful pre-suit resolution for executive in dispute against former employer to resolve matters involving separation from company.
- Achieved a successful resolution for company in judicial dissolution and breach of fiduciary duty action filed by a shareholder.
- 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").
- Achieved a successful resolution for a company in a copyright infringement action against a defendant who plagiarized company's website.
- Achieved a successful resolution for a law enforcement agency in actions filed by persons in custody.

Landlord/Tenant Litigation

- Successfully represented a national shopping center owner in numerous commercial eviction matters.
- Represented a landlord through a successful trial in a breach of contract action filed by a broker.
- Achieved a successful resolution for landlord in a breach of lease matter filed by tenant concerning calculation of common area expenses.

Honors and Distinctions

- AV Preeminent Peer Review Rated by Martindale-Hubbell
- *Thirteenth Judicial Circuit Pro Bono Award*, April 2017
- *Florida Super Lawyers*, Rising Star 2014-2019
- *Florida Trend Legal Elite*, Up and Comer, 2019

Professional Involvement

- The Florida Bar
- St. Petersburg Bar Association

Community Involvement

- Florida Craftsmen
 - Board of Directors, 2013 - 2018
 - Secretary, 2014 - 2018
- Crossroads for Florida Kids, Attorney Ad Litem, April 2015 - present
- Leadership Tampa Bay, Class of 2016
- Rotary Club of St. Petersburg Sunset, Member, July 2015 - present
 - Service Chair, 2017-2018; 2018-2019

Thought Leadership

- “Preserving Issues for Appeal,” Co-Presenter, Solo and Small Firm Section of The Florida Bar, November 27, 2018.
- “The BSA’s Role in Civil Litigation,” Co-Presenter, Florida Banker’s Association 14th Annual BSA/AML School, October 18, 2018