

BRYAN S. GOWDY

Curriculum Vitae

Contact Information

Creed & Gowdy, P.A.
865 May Street
Jacksonville, Florida 32204
(904) 350-0075 Telephone
(904) 503-0441 Facsimile
Email: bgowdy@appellate-firm.com
Bio: <http://www.appellate-firm.com/our-lawyers/bryan-gowdy.aspx>
Firm website: www.appellate-firm.com

Professional Employment

Creed & Gowdy, P.A., Oct. 2006 to present
(formerly known as Mills & Carlin, P.A., Mills & Creed, P.A., and Mills Creed & Gowdy)
865 May Street, Jacksonville, Florida 32204
(904) 350-0075
Shareholder

McGuireWoods LLP, Sept. 2001 – Sept. 2006
50 N. Laura St., Ste. 3300, Jacksonville, Florida 32202
(904) 798-3200
Associate

Hon. Susan H. Black, Aug. 2000 – Aug. 2001
United States Court of Appeals, Eleventh Circuit
300 North Hogan Street, Suite 14-150, Jacksonville, Florida 32202
(904) 301-6610
Law Clerk

Hon. Maurice M. Paul, Aug. 1999 – Aug. 2000
United States District Court, Northern District of Florida
401 S.E. First Ave, Gainesville, Florida 32601
(904) 380-2415
Law Clerk

State Attorney's Office, Fourth Judicial Circuit, June – Aug. 1999
311 W Monroe St, Jacksonville, FL 32202
(904) 255-2500
Student Externship, Juvenile Division

Military Service

United States Navy & Naval Reserve (July 1992-Sept. 2002)

Active-duty service in Italy and Japan as Surface Warfare Officer on two guided-missile cruisers (1992-1996).

Awarded Navy Commendation Medal for fighting major engine room fire.

Served in Persian Gulf operations.

Commanding Officer of 56-person naval reserve unit and promoted to Lt. Commander (Oct. 2000-Sept. 2002).

Education

University of Florida Levin College of Law, J.D. 1999

Graduated with High Honors and ranked number one in class

Management Editor, *Florida Law Review*

Order of the Coif

Book Awards: Legal Research and Writing, Antitrust Law, Comparative Law

Georgetown University, B.S.F.S. 1992

International Economics

Dean's List (four semesters)

Notable Cases

Graham v. Florida, 560 U.S. 48, 130 S. Ct. 2011 (2010). Mr. Gowdy represented a juvenile defendant before the U.S. Supreme Court. The Court categorically applied the Eighth Amendment for the first time in a non-capital case and ruled that life-without-parole sentences were unconstitutional for juvenile offenders who have not committed a homicide. The Court's decision invalidated the sentencing laws of 37 states, the federal government, and the District of Columbia.

Wilsonart, LLC v. Lopez, Case No. SC19-1336 (Fla.). Mr. Gowdy represented an estate in a wrongful death action. Summary judgment was entered against the estate by the trial court. The lower appellate court reversed and certified a question of great public importance. The Supreme Court requested briefing on whether Florida should adopt the federal summary judgment standard. Mr. Gowdy argued that any such change in the standard should be done only via the Court's rule-making authority to apply prospectively and so as not to apply to the estate's appeal from the trial court's decision. In a decision issued on December 31, 2020, the court affirmed the lower appellate court's decision. The Court, under its rule-making authority, changed the summary judgment standard prospectively and did not apply the new rule to the estate's appeal from the trial court.

Charles v. S. Baptist Hosp. of Fla., Inc., 209 So.3d 1199 (Fla. 2017), *pet. for cert. denied*, 2017 WL 2444641 (U.S. Oct. 2, 2017). Mr. Gowdy represented a patient who exercised her right under a state constitutional amendment, commonly known as Amendment 7, to request access to a hospital's adverse incident reports. The Supreme Court of Florida

reversed a lower appellate court's holding that Amendment 7 was preempted by the federal Patient Safety Quality Improvement Act.

Adinolfi v. United Techs. Corp., 768 F.3d 1161 (11th Cir. 2014). Mr. Gowdy represented hundreds of homeowners claiming damages for diminution of property value due to contamination from nearby industrial facility. The Eleventh Circuit reversed the district court's dismissal with prejudice by holding, among other things, that Florida law did not require homeowners to plead or prove actual contamination of their properties to seek damages for the diminution in their property values caused by the nearby contamination.

G.S. v. T.B., 985 So.2d 978 (Fla. 2008). Mr. Gowdy represented maternal grandparents who successfully persuaded the Supreme Court of Florida that, despite the objections of the paternal grandparents, they were entitled under Florida law to adopt their orphaned grandchildren. The Supreme Court of Florida reversed a contrary ruling by the lower appellate court.

Professional Qualifications and Awards

Board Certified in Appellate Practice, The Florida Bar

Admitted to practice in Florida, Massachusetts, and Supreme Court of the United States, United States Court of Appeals for the Fourth, Ninth, and Eleventh Circuits, and United States District Courts for the Southern, Middle, and Northern Districts of Florida

Florida Super Lawyer (2010-2020)

Top 100 Florida Super Lawyer (2011, 2013-2020)

Top 25 Jacksonville Super Lawyer (2020)

Legal Elite, *Florida Trend Magazine* (2009-2017, 2019-2020)

Florida Justice Association, Bronze Eagle Award (2012)

Florida Justice Association, S. Victor Tipton Award (2011)

Florida Association of Criminal Defense Lawyers, Stephen Goldstein Award (2011)

The Florida Bar President's Pro Bono Service Award, Fourth Judicial Circuit (2011)

Jacksonville Area Legal Aid Pro Bono Award (2010)

The Florida Bar Appellate Practice Section Pro Bono Award (2009)

Professional Memberships and Community Service

Florida Supreme Court Standard Jury Instruction Committee (Civil) (2014-present)

Jacksonville Justice Association (2010-present)
President (2018)

Jacksonville Area Legal Aid, Board Member (2007-2014)
Board President (2013)

Leadership Jacksonville, Class of 2012

Leadership Jacksonville Development Team (2016-2018)

The Florida Bar Appellate Practice Section (2008-present)
Chair, Pro Bono Committee (2008 - 2011)
Executive Council (2009- 2012)

The Federalist Society (Dec. 2018-present)

The Florida Bar Criminal Law Section (2009-2013)

The Florida Bar's Standing Committee on Pro Bono Legal Services, Ad Hoc Member (July 1, 2011-2017)

The Florida Bar Trial Lawyers Section (2015-2017)

Juvenile Life Without Parole Defense Resource Center
Volunteer Advisor (2010)

Jacksonville Bar Association (2005-present)
Chair, Appellate Practice Section (2007-2009)

Federal Bar Association, Jacksonville Chapter (2006 to present)

Florida Association of Criminal Defense Lawyers (2009-2017)

Florida Justice Association (2010-present)
Chair of the Amicus Curiae Committee (2019 – present)
Chair of the Appellate Section (2011 – 2012)
Vice Chair of the Appellate Section (2010 – 2011)

American Association of Justice (2011-12, 2013-14, 2017-present)

Public Justice (2016-present)

First District Appellate American Inn of Court (2008-2009, 2011-present)
(currently Emeritus status)

Chester Bedell Inn of Court, Barrister (2007-2010, 2019)

Master (2019-present)

Westside Soccer Club, Soccer Coach (2007-2013)

Friends of Landon, Inc., Board Member(2016-present)

Assumption Catholic School Soccer League, Volunteer Coach (2017-2020)

Publications

What does your Amicus Committee do (and not do)?, Florida Justice Association Journal (forthcoming) (September/October 2020)

Amendment 7 Lives Again But Be Prepared for More Attempts to Kill It, Florida Justice Association Journal (March/April 2017)

Get Your Client's Treating Physician Paid Reasonable Fees for Deposition and Trial Testimony, Florida Justice Association Journal (September 2014) (co-author: Jennifer Shoaf Richardson)

Dealing with the Media in a U.S. Supreme Court Case, The Defender (Summer 2014)

Four Years Later: Terrance Graham's Attorney on Issues Created by the Landmark Decision, The Defender (Winter 2013/2014)

Best Strategies for Challenging Coding Experts in Auto Accident Cases, Florida Justice Association Journal (June-July 2012) (co-author: Jennifer Shoaf Richardson)

Graham v. Florida: A Juvenile's Hope for Redemption, The Defender (Summer 2010)

Securing Your Judgment While on Appeal, Florida Justice Association Journal (May-June 2009)

Leniency Bribes: Justifying the Federal Practice. . ., 60 La. L. Rev. 447 (2000)

Should the Federal Government Have an Attorney-Client Privilege?, 51 Fla. L. Rev. 695 (1999)

Lectures, Seminars, and Panel Discussions

Supreme Court Preview: The 2020-21 Term, The Federalist Society Jacksonville Chapter Webinar (October 5, 2020)

How To Argue To A Textualist Judge, Florida Justice Association Appellate Practice Seminar (June 25, 2020)

Constitutional Limits on the Emergency Powers of the Political Branches of Government—The COVID-19 Executive Orders, The Federalist Society
Jacksonville Chapter Webinar (May 12, 2020)

Practical Tips for Telephonic and Zoom Oral Arguments, Appellate Practice Section
Webinar CLE (May 11, 2020)

2020 Annual Review & Legislative Case Law Update, Florida Justice Association
Webinar CLE (April 17, 2020)

57.105 Motions and Defense: Motions for Fraud on the Court, Florida Justice Association
Webinar CLE (August 27, 2019)

Then and Now: Graham v. State of Florida, Catholic Lawyers Guild Luncheon,
Jacksonville, FL (May 14, 2019)

Medical Malpractice Arbitration, Florida Justice Association, Masters of Justice Seminar
(October 15, 2018)

Getting You and Your Client Paid without having to Prove Bad Faith, Jacksonville Justice
Association Annual Seminar (December 1, 2017)

Nuts & Bolts of Practice Before the U.S. Supreme Court, Appellate Practice Section
Webinar CLE (August 15, 2017)

Dealing with Coding Experts / Using Daubert Motions, Florida Justice Association
Webinar CLE (January 27, 2017)

Brief Writing and Use of Technology, Eleventh Circuit Appellate Practice Institute,
Atlanta, GA (October 28, 2016)

New Ways to Overcome the Resistance to Amendment 7 Compliance, Advanced Trial
Skills, Florida Justice Association Annual Convention, Palm Beach, FL (June 22,
2016)

Mediation in the Eleventh Circuit Court of Appeals, 5th District Court of Appeals Appellate
Mediation Seminar, Daytona Beach, Florida (June 9, 2016)

Amendment 7/PSO Privilege, Advanced Medical Malpractice, The Florida Bar Continuing
Legal Education Committee and the Trial Lawyers Section, Tampa, FL (March 11,
2016) (co-presented with Andrew S. Bolin)

Advanced Appellate Practice and Certification Review, Federal Practice, Florida Bar
Appellate Practice Section, Tampa, FL (January 14, 2016)

Inside the First DCA, Appellate Attorney's Fees, Florida Bar Appellate Practice Section, Tallahassee, FL (April 10, 2015) (co-presented with Courtney Brewer)

Lecture, Discussion of Adinolfi v. United Technologies Corp. 768 F. 3d 1161 (11th Cir. 2014), Florida Coastal School of Law, Jacksonville, FL (April 2, 2015)

Advanced Appellate Practice and Certification Review, Federal Practice, Florida Bar Appellate Practice Section, Tampa, FL (January 15, 2015)

Case Law Insider, Florida Justice Association Telephonic CLE (November 14, 2014)

Case Law Insider, Florida Justice Association Telephonic CLE (August 9, 2013)

Coding Experts, Florida Justice Association Advanced Trial Skills Seminar, St. Petersburg Beach, FL (June 12, 2013)

Oral Argument, Jacksonville Area Legal Aid Seminar, Jacksonville, FL (May 1, 2013)

Case Law Insider, Florida Justice Association Telephonic CLE (March 8, 2013)

Preservation of Error, Florida Justice Association Workhorse Seminar, Kissimmee, FL (Feb. 20, 2013)

Eleventh Circuit Technicalities: How To Comply With The New Expanded Record Excerpts, Electronic Filing, and Other Requirements, Eleventh Circuit Appellate Practice Institute, Miami, FL (Feb. 7, 2013)

Miller v. Alabama Panel Discussion, Annual Convention for the Campaign for Fair Sentencing of Youth, Washington, DC (Nov. 15, 2012)

Oral Argument Skit, American Board of Trial Advocates, Pajcic Seminar, Jacksonville, FL (Oct. 25, 2012)

Expert Financial Discovery, Florida Justice Association Masters of Justice Seminar, Boca Raton, FL (Oct. 3, 2012)

Expert Financial Discovery, Jacksonville Justice Association Webinar, (June 27, 2012)

Appellate Attorney's Fees, Inside the First DCA, Florida Bar Appellate Practice Section, E. Earle Zehmer Inside the First DCA Seminar (March 1, 2012)

Offensive and Defensive Strategies for the Proposal for Settlement, Workhorse Seminar, Florida Justice Association (March 2012)

Graham v. Florida, Guest Lecturer, Flagler University, Class for Ethical Issues in the Judiciary (Oct. 11, 2011)

Preservation of Error, Erhlich Seminar, Jacksonville Bar Association (June 3, 2011)

Workshop on Life-Without-Parole Resentencing Evaluations, sponsored by Barry University, Juvenile Justice Center, Tampa, FL (April 15, 2011)

Presentation on Graham v. Florida, Kentucky Children's Law Center, Seventh Annual Juvenile Defender Summit, Dayton, OH (April 7, 2011)

Panel Discussion on U.S. Supreme Court Practice, Federal Bar Association, Orlando, FL chapter (March 11, 2011)

Hot Topics, U.S. Supreme Court Update, Florida Bar Appellate Practice Section, Jacksonville, FL (March 4, 2011 (afternoon) and May 17, 2011 (telephonic))

Winning or Losing at Trial is Not the End: Practical, Front-Line Trial Examples to Help You Preserve Error and Win on Appeal, Florida Bar Trial Lawyers Section, Tampa, FL (Mar. 4, 2011 (morning)).

Graham v. Florida, Florida Coastal School of Law, Jacksonville, FL (Jan. 27, 2011)

Litigating Graham in Florida, Barry University, Juvenile Justice Center, Orlando, FL (Dec. 10, 2010).

Spirit of Giving Speech, Federal Bar Association, Jacksonville, FL chapter (Dec. 3, 2010)

Juvenile Life Without Parole Sentences, Annual Convention for the Campaign for the Fair Sentencing of Youth, Washington, DC (Nov. 3, 2010)

Amicus Briefs, Eleventh Circuit Appellate Institute, Atlanta, GA (Oct. 15, 2010)
Graham v. Florida, Children Legal Services Conference, Tampa, FL (Sept. 30, 2010)

The Best Strategies for Avoiding Bifurcation, Florida Justice Association Seminar, Tampa and Ft. Lauderdale, FL (Sept. 15-16, 2010)

Juvenile Life Without Parole Sentences, NAACP Convention, Kansas City, KS (July 12, 2010)

Preservation of Error and Practice Before the U.S. Supreme Court, Erhlich/Nimmons Seminar, Jacksonville Bar Association and Federal Bar Association (June 2010)

Art of Objecting, Florida Bar Appellate Practice Section, Ft. Lauderdale, FL (May 2010)

Practice Before the U.S. Supreme Court, Florida Bar Appellate Practice Section, Tallahassee, FL (January & July 2010)

Preservation of Error, Criminal Law, Jacksonville Bar Association (June 2009)

Hot Topics, Florida Bar Appellate Practice Section, Ft. Lauderdale, FL (May 2009)

Appellate Strategy for In-House Counsel, Jacksonville Bar Association In-House Counsel Section (February 2009)

Amicus Briefs, Florida Bar Appellate Practice Section Telephonic Seminar (Sep. 2008)

Representing Pro Bono Clients, Florida Bar Appellate Practice Section Telephonic Seminar (Aug. 2008)

Moderator, E. Earle Zehmer Inside the First DCA Appellate Seminar, Jacksonville, Florida (May 2008)

Moderator, Art of Objecting, Florida Bar Appellate Practice Section, Orlando, FL (November 2007)

Preservation of Error, Jacksonville Bar Association Ray Erlich Seminar (June 2007)

Other Cases with Judicial Opinions

Farrell v. Bank of Am., N.A., 2020 WL 5230456 (9th Cir. 2020)

**Pedroza v. State*, 291 So. 3d 541 (Fla. 2020)

Yon v. Yon, 286 So. 3d 322 (Fla. 1st DCA 2019)

AA Suncoast Chiropractic Clinic, P.A. v. Progressive Am. Ins. Co., 938 F.3d 1170 (11th Cir. 2019)

Larrigue-Negron v. State, 280 So. 3d 550 (Fla. 1st DCA 2019)

Graham v. State, 286 So. 3d 800 (Fla. 1st DCA 2019)

A&M Gerber Chiropractic, L.L.C. v. Geico Gen. Ins. Co., 925 F.3d 1205 (11th Cir. 2019)

Wagner v. State, 285 So. 3d 412 (Fla. 1st DCA 2019)

Event Depot Corp. v. Frank, 269 So. 3d 559 (Fla. 4th DCA 2019)

Tabraue v. Doctors Hosp., Inc., 272 So. 3d 468 (Fla. 3d DCA 2019)

Anderson v. Mitchell, 2019 WL 1496258 (Fla. 2d DCA 2019)

McGee v. McGee, 264 So. 3d 1087 (Fla. 1st DCA 2018)

**DeLisle v. Crane Co.*, 258 So. 3d 1219 (Fla. 2018)

Bean v. Univ. of Miami, 252 So. 3d 810 (Fla. 3d DCA 2018)

Farrell v. Bank of Am., N.A., 327 F.R.D 422 (S.D. Cal. 2018)

Pettway v. City of Jacksonville, 264 So. 3d 210 (Fla. 1st DCA 2018)

Northern Jacksonville Enter., L.L.C. v. Buffington, 255 So. 3d 997 (Fla. 1st DCA 2018)

Ansaarie v. First Coast Cardiovascular Inst., P.A., 252 So. 3d 287 (Fla. 1st DCA 2018)

Hunt v. Lightfoot, 239 So. 3d 175 (Fla. 1st DCA 2018)

Steadfast Ins. Co. v. Celebration Source, Inc., 730 Fed. Appx. 865 (11th Cir. 2018)

Cotromano v. United Tech. Corp., 2018 WL 2047468 (S.D. Fla. May 2, 2018)

Vassell v. O'Brien, 2018 WL 1377396 (N.D. W.Va.), *aff'd* 745 Fed. Appx. 477 (4th Cir. 2018)

Runton v. Brookdale Senior Living, Inc., 2018 WL 1083493 (S.D. Fla. Feb. 27, 2018)

Cousin v. Geico Gen. Ins. Co., 719 Fed. Appx. 954 (11th Cir. 2018)

Markland v. Insys Therapeutics, Inc., 758 Fed. Appx. 777 (11th Cir. 2018)

Gallardo v. Senior, 2017 WL 3081816 (N.D. Fla. July 18, 2017)

Gallardo v. Dudek, 263 F. Supp. 3d 1247 (N.D. Fla. 2017)

McGee v. Bank of Am., N.A., 674 Fed. Appx. 958 (11th Cir. 2017)

City of Jacksonville v. Ratliff, 217 So. 3d 183 (Fla. 1st DCA 2017)

Klemish v. Villacastin, 216 So. 3d 14 (Fla. 5th DCA 2016)

Taival v. Barrett, 204 So. 3d 486 (Mem) (Fla. 5th DCA 2016)

Runton v. Brookdale Senior Living, Inc., 2017 WL 7311877 (S.D. Fla. July 10, 2017)

Runton v. Brookdale Senior Living, Inc., 2017 WL 9672657 (S.D. Fla. June 16, 2017)

Brown v. State, 211 So. 3d 325 (Fla. 1st DCA 2017)

Doctors Co. v. Plummer, 210 So. 3d 711 (Fla. 5th DCA 2017)

**Searcy, Denney, Scarola, Barnhart & Shipley, etc. v. State*, 209 So. 3d 1181 (Fla. 2017)

Farrell v. Bank of Am., N.A., 224 F. Supp. 3d 1016 (S.D. Cal. 2016)

Mobley v. Homestead Hosp., Inc., 202 So. 3d 868 (Fla. 3rd DCA 2016)

Women's Care Florida, L.L.C. v. A.G., 196 So. 3d 574 (Fla. 5th DCA 2016)

A.K. v. Orlando Health, Inc., 186 So. 3d 626 (Fla. 5th DCA 2016)

Lesnik v. Duval Ford, L.L.C., 185 So. 3d 577 (Fla. 1st DCA 2016)

Town of Princeton v. Monsanto Co., 202 F. Supp. 3d 181 (D. Mass. 2016)

Ahearn v. Mayo Clinic, 180 So. 3d 165 (Fla. 1st DCA 2015)

Horton v. Horton, 179 So. 3d 459 (Fla. 1st DCA 2015)

Southern Baptist Hosp. v. Charles, 178 So. 3d 102 (Fla. 1st DCA 2015)

**Gridine v. State*, 175 So. 3d 672 (Fla. 2015)

**Henry v. State*, 175 So. 3d 675 (Fla. 2015)

Parise v. Selph, 175 So. 3d 389 (Fla. 1st DCA 2015)

Mid-Continent Cas. Co. v. Treace, 186 So. 3d 11 (Fla. 5th DCA 2015)

Inlet Condo. Ass'n, Inc. v. Childress Duffy, LTD, Inc., 615 Fed. Appx. 533 (11th Cir. 2015)

Colbert v. USA, 785 F. 3d 1384 (11th Cir. 2015)

Town of Lexington v. Pharmacia Corp., 133 F. Supp. 3d 258 (D. Mass. 2015)

Crowley's Concrete, Inc., v. Gathercole, 163 So. 3d 1283 (Fla. 1st DCA 2015)

Richardson v. Everbank, 152 So. 3d 1282 (Fla. 4th DCA 2015)

Pinares v. United Tech. Corp., 2015 WL 11256307 (11th Cir. May 20, 2015)

Edwards v. Leach Intern., 2015 WL 1781835 (D. Mass. April 20, 2015)

Stallely v. ADS Alliance Data Sys., Inc., 602 Fed. Appx. 732 (11th Cir. 2015)

In re Adoption of K.A.G., 152 So. 3d 1271 (Fla. 5th DCA 2014)

Doering v. The Villages Operating Co., 153 So. 3d 417 (Fla. 5th DCA 2014)

Crespo v. Hernandez, 151 So. 3d 495 (Fla. 5th DCA 2014)

In re Vassell, 751 F.3d 267 (4th Cir. 2014)

City of Jacksonville Fire and Rescue Dept. v. Battle, 148 So. 3d 795 (Fla. 1st DCA 2014)

Southern Baptist Hosp. of Florida, Inc., v. Charles, 148 So. 3d 170 (Fla. 1st DCA 2014)

Cannon v. Thomas ex rel. Jewett, 133 So. 3d 634 (Fla. 1st DCA 2014)

O'Malley v. Ranger Const. Industries, Inc., 133 So. 3d 1053 (Fla. 4th DCA 2014)

**Murphy v. Dulay*, 768 F.3d 1360 (11th Cir. 2014)

Koshenina v. Buvens, 130 So. 3d 276 (Fla. 1st DCA 2014)

**McCarty v. Myers*, 125 So. 3d 333 (Fla. 1st DCA 2013)

**Franks v. Bowers*, 116 So. 3d 1240 (Fla. 2013)

Forgione v. HCA, Inc., 954 F. Supp. 2d. 1349 (N.D. Fla. 2013)

Garcia v. U.S., 2013 WL 12172662 (M.D. Fla. Oct. 2, 2013)

Spivey v. Teen Challenge of Florida, Inc., 122 So. 3d 986 (Fla. 1st DCA 2013)

Lindon v. Dalton Hotel Corp., 113 So. 3d 985 (Fla. 5th DCA 2013)

Romero v. State, 105 So. 3d 550 (Fla. 1st DCA 2012)

Interstate Fire & Cas. Co. v. Abernathy, 93 So. 3d 352 (Fla. 1st DCA 2012)

Shelly L. Hall, M.D., P.A. v. White, 97 So. 3d 907 (Fla. 1st DCA 2012)

Nelson v. State, 95 So. 3d 368 (Fla. 1st DCA 2012)

Foster v. State Farm Mut. Ins. Co., 85 So.3d 1219 (Fla. 1st DCA 2012)

Hall v. 84 Lumber Co., 2012 WL 13082001 (S.D. Ga. Mar. 28, 2012)

Kotzian v. Murphy, 82 So. 3d 1226 (Fla. 1st DCA 2012)

**State Farm Mut. Auto. Ins. Co. v. Bowling*, 81 So. 3d 538 (Fla. 2d DCA 2012)

Petty v. Fla. Ins. Guar. Ass'n, 80 So. 3d 313 (Fla. 2012)

Marion Cnty. Sheriff's Off. v. Beauregard, 67 So.3d 283 (Fla. 5th DCA 2011)

Legacy Place Apartment Homes L.L.C. v. PGA Gateway Ltd., 65 So. 3d 644 (Fla. 4th DCA 2011)

**Franks v. Bowers*, 62 So. 3d 16 (Fla. 1st DCA 2011)

Sher v. Raytheon, 419 Fed. Appx. 887 (11th Cir. 2011)

Glary v. Israel, 53 So.3d 1095 (Fla. 1st DCA 2011)

Nationwide Mut. Fire Ins. Co., v. Harrell, 53 So.3d 1084 (Fla. 1st DCA 2010)

Tripoli v. State, 50 So. 3d 776 (Fla. 4th DCA 2010)

Baptist Med. Ctr. of Beaches, Inc. v. Rhodin, 40 So.3d 112 (Fla. 1st DCA 2010)

Ruth v. McCollum, 2010 WL 2900315 (N.D. Fla. July 23, 2010)

Rando, Et Al. v. Government Emps. Ins. Co., 39 So.3d 244 (Fla. 2010)

Stanwix-Hay v. Lance Aviation, Inc., 29 So.3d 1154 (Fla. 2d DCA 2010)

Roberts v. Stidham, 19 So. 3d 1155 (Fla. 5th DCA 2009)

Trammell v. Thomason, 335 Fed. Appx. 835 (11th Cir. 2009)

Jackson v. U.S., 3:09-CV-26-J-34TEM, (M.D. Fla. 2009)

Carlson v. Xerox Corp., 596 F. Supp. 2d 400 (D. Conn. 2009)

Elbanna v. Captain D's, LLC, 2008 WL 11335068 (M.D. Fla. Oct. 17, 2008)

Griffin v. McNeil, 995 So. 2d 1178 (Fla. 4th DCA 2008)

Jackson-Shaw Company, etc., v. Jacksonville Aviation Authority, 8 So. 3d 1076 (Fla. 2008)

Gatlin v. U.S. Anti-Doping Agency, Inc., 2008 WL 2567657 (11th Cir. June 26, 2008)

Brooks v. Green, 993 So. 2d 58 (Fla. 1st DCA 2008)

Woodward v. State, 992 So. 2d 391 (Fla. 1st DCA 2008)

Graham v. State, 982 So. 2d 43 (Fla. 1st DCA 2008)

S.D.S. Autos, Inc. v. Chrzanowski, 982 So. 2d 1 (Fla. 1st DCA 2008)

Calahan v. Calahan, 979 So. 2d 358 (Fla. 5th DCA 2008)

Williams v. Stanford, 977 So. 2d 722 (Fla. 1st DCA 2008)

S.D.S. Autos, Inc. v. Chrzanowski, 976 So. 2d 600 (Fla. 1st DCA 2008)

Egwuatu v. South Lubes, Inc., 976 So. 2d 50, 2008 WL 312522 (Fla. 1st DCA 2008)

Taylor v. Penske Truck Leasing Corp., 975 So. 2d 588 (Fla. 1st DCA 2008)

Jones v. Atkinson, 974 So.2d 573 (Fla. 1st DCA 2008)

G.S. v. T.B., 969 So.2d 1049 (Fla. 1st DCA 2008)

Lapenna v. Geico, 2008 WL 11336303 (M.D. Fla Jan. 22, 2008)

Campbell v. North American Co. for Life and Health Ins., 2007 WL 2209249 (M.D. Fla. July 30, 2007)

Outler v. U.S., 485 F.3d 1273 (11th Cir. 2007)

Laughon ex rel. Laughon v. Jacksonville Sheriff's Off., 2007 WL 1247305 (M.D. Fla. Apr. 30, 2007)

Quality Communications Fire & Security, Inc. v. GTSI Corp., 2006 WL 8432603 (S.D. Fla. Sept. 19, 2006)

Leviton Mfg. Co., v. Interline Brands, Inc., 2006 WL 2523137 (M.D. Fla. Aug. 30, 2006)

Becker v. Johnson, 937 So. 2d 1128 (Fla. 1st DCA 2006)

Official Committee of Unsecured Creditors of Wickes, Inc. v. Wilson, 2006 WL 1457786 (N.D. Ill. May 23, 2006)

Sepulveda v. Burnside, 170 Fed. Appx. 119 (11th Cir. 2006)

The St. Joe Co. v. Leslie, 912 So. 2d 21 (Fla. 1st DCA 2005)

Magnum Capital, LLC v. Carter Associates, LLC, 905 So. 2d 220 (Fla. 1st DCA 2005)

Abusaid v. Hillsborough Cnty. Bd. of Cnty. Com'rs, 405 F.3d 1298 (11th Cir. 2005)

Maxcess, Inc. v. Lucent Techs., Inc., 2005 WL 6125471 (M.D. Fla. Jan. 5, 2005)

Brauch v. Bank of Am. Corp., 2005 WL 1027907 (M.D. Fla. Apr. 12, 2005)

Williams v. Susquehanna Veal Farms, 828 So. 2d 420, (Fla. 1st DCA 2002)

*Appeared as Amicus Curiae