BERGER SINGERMAN
FLORIDA'S BUSINESS LAW FIRM

JUSTIN B. ELEGANT

Partner

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Justin B. Elegant is an accomplished civil trial and appellate lawyer. He is a former Co-Manager of the firm’s Dispute Resolution Team.

For more than 25 years, Justin has practiced complex civil litigation in Florida's state and federal courts. In addition, he has successfully litigated multifaceted cases both nationally and internationally. Justin has consistently prevailed on behalf of individual and corporate clients by prosecuting and defending statutory and common law business claims in state and federal courts as well as before arbitration tribunals. His thorough preparation and attention to detail have steadily brought favorable results for the firm's clients pretrial with lucrative settlements, at trial and on appeal. Such achievements include: securing a $36 million settlement in litigation between publicly traded insurance companies; successfully defending a global IT services provider in a “bet the company” dispute with over $100 million at stake; winning at bench trial and on appeal in an intricate Star Island boundary conflict in Miami Beach; and obtaining a $7 million dollar FINRA arbitration award for an NBA hall of fame player in Texas.

Justin also has extensive experience handling domestic and foreign judgment enforcement cases and related cross-border matters. Sample results include: securing a $15 million dollar post-judgment settlement against a Colombian entity on behalf of a multibillion-dollar U.S. pharmaceutical company; domesticating and collecting on a New York judgment for a global Swiss Bank by exposing fraudulent transfers and related unlawful conduct; and receiving expedited discovery, despite strong opposition, in federal court for a BVI corporation under 28 U.S.C. § 1782 in high-stakes litigation involving a Guatemalan oil business pending in the United Kingdom.

Proudly, Justin is also very committed to performing charitable work in the community. He has founded, and for decades supported, organizations that have provided mentoring and educational opportunities for students and children. Justin is also an honored fundraiser and volunteer at The Caring Place (once the Miami Rescue Mission) to combat homelessness. He lives on Miami Beach with his wife and two sons.

Education

J.D., University of Miami School of Law

- Litigation Skills, Pre-Trial Honors

B.A., University of Miami

Bar Admissions

Florida
U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, Northern, Middle and Southern Districts of Florida

Practice Teams

Dispute Resolution

Practice Areas

Appellate
Class Action Litigation
Complex Commercial Litigation
Construction Litigation
Insurance
Real Estate Litigation

Representative Matters

Commercial

- Obtained a $36 million federal court settlement for a publicly traded company and a subsidiary in a dispute involving the secondary life insurance market.
- Secured complete dismissal for several individual defendants in a $600 million federal class action brought by roughly 62,000 purported investor victims of an international Ponzi scheme. Our clients faced joint and several liability based on federal and state RICO, fraud and multiple common law claims.
- Favorably defended a global digital business and IT services provider in “bet the company” federal court litigation where a Florida insurance company sought more than $90 million in damages and associated injunctive relief.
- Obtained a $7 million FINRA arbitration award following a seven-day final hearing in Texas for a former NBA Hall of Fame player.

- Secured significant settlement for the owner and developer of a roughly $50 million LEED Platinum landmark office center in Coral Gables, Florida in multifaceted construction delay and defect litigation involving competing claims by more than fifty parties.
- Favorably settled former chief financial officer's action for indemnification and advancement of legal fees and expenses (arising from multiple proceedings) against a publicly traded company.
- Successfully defended a Florida corporate property owner against a multimillion-dollar lawsuit brought under the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq.—a strict liability statute—and related state law statutory and tort claims. Despite more than 5000 unwanted and documented telephone calls to a cellular phone, coupled with extensive indemnification claims from co-defendants, the matter was confidentially settled for nominal damages.
- Successfully represented corporations and individual plaintiffs, at jury trial and on appeal, in an action arising out of breach of joint venture agreement for a condominium conversion of a Miami Beach Art Deco hotel.
- Completely defended a multimillion-dollar claim in arbitration against an international hotel corporation—by obtaining a decision for the defense with an award of attorney's fees and costs—brought pursuant to St. Lucian law involving a resort in the Caribbean.
- Successfully represented three companies, including a publicly traded entity, at jury trial and on appeal, in an action involving several legal and equitable claims. Claimant unsuccessfully sought millions of dollars in damages, including punitive damages, for the alleged denial of valuable tag along rights from the sale of proceeds of an asset purchase agreement.
- Obtained dismissal with prejudice—following a mistrial in a civil fraud case seeking several million dollars—due to witness tampering in the courtroom during a sidebar conference on the third day of trial. In the first reported incident of its type in the United States, Plaintiff's CEO and COO were texting each other about the COO's testimony while he was on the witness stand. The trial court ruled this was a fraud on the court.
- Defended several parties in a four-count equitable action brought by an instrumentality of a foreign government which sought to preclude these and other defendants—which it asserted were all guilty of defrauding a foreign bank out of approximately $92 million—from fraudulently transferring assets in Miami-Dade County, Florida.
- Achieved confidential settlement for domestic and offshore marine shipping industry defendants in a federal court action for willful and malicious misappropriation of trade secrets and related information.
- Notably defended (at bench trial in federal court) admiralty and maritime claim arising out of the wrongful arrest of 90-foot custom made motor vessel.
- Effectively defended a luxury vessel owner against a yacht broker's breach of contract claim for a substantial commission on the sale of a $360 million yacht.
- Successfully defended a corporation and an individual against a trademark infringement lawsuit for millions of dollars involving the international sale of cellular phones and connected items brought under the Lanham Act as well as associated federal and state law claims.
- Attained significant settlement in a legal malpractice case against a large Florida law firm based on their negligent failure to prove damages in the underlying action for conversion and tortuous interference with an expected inheritance.

Judgment Enforcement/Cross-Border

- Successfully represented a multibillion-dollar U.S. pharmaceutical company post judgment by procuring a $15 million settlement. This was an action to collect $18.5 million in attorney fees and costs award under the Florida Deceptive and Unfair Trade Practices Act against a former joint venture partner based in Colombia.
- Successfully represented judgment creditors in tri-state collection action by securing roughly a $200 million settlement with a global equipment retailer and manufacturer.

- Domesticated and enforcing a $75 million federal judgment in Florida for a publicly traded company and its affiliated creditors.
- Prevailed in a matter of first impression in the United States under Chapter 15 of the U.S. Bankruptcy Code, defending non-debtors—a financial entity and its co-founder—against a Foreign Representative's attempt to enforce a non-final (ex parte) Brazilian court prejudgment asset freeze order to preserve the foreign debtor's ability to collect damages of roughly $29 million (from each non-debtor) arising from unadjudicated claims in Brazil.
- Represented an international restructuring firm—secondary to a commercial action pending in the Superior Court of Québec, District of Montreal— to enforce a Canadian asset freeze order.
- Received expedited discovery, despite strong opposition, in the Southern District of Florida for a British Virgin Islands corporation under 28 U.S.C. § 1782 in high-stakes commercial action involving its oil business in Guatemala. The underlying claims were pending in the United Kingdom before the High Court of Justice.
- Successfully represented an international bank in collecting on a domesticated New York Judgment by exposing several fraudulent transfers and similar dishonesty which forced the debtor into a partial settlement with the balance of the bank's debt forever non-dischargeable.
- Effectively defended non-parties against a debtor—who appealed and collaterally attacked an underlying $28 million federal court judgment stemming from a Chilean arbitration award—from aggressive post-judgment financial discovery.
- Domesticated and enforced large final judgment from the Superior Court, State of California County of Napa confirming an arbitration award against debtors in Broward County, Florida.
- Settled foreign judgment enforcement case for judgment debtor client for roughly 1.5% of a multimillion-dollar award.

Real Estate

- Victorious at bench trial and on appeal in an intricate boundary dispute between adjacent residential landowners on Star Island in Miami Beach, Florida. We used extensive documentary evidence spanning 90 years to confirm the Original Surveyor of Star Island's proration and apportioned boundaries (circa 1920 during the initial layout of the lot lines) to establish ownership of the disputed land.
- Won bench trial in a complicated boundary dispute between neighboring residential landowners on Sunset Island No. 3 on Miami Beach, Florida. We succeeded by utilizing evidence of an agreed boundary set by the Original Surveyor in 1991, coupled with significant corroborating evidence of use and occupation covering more than 20 years.
- Quashed trial court order, by certiorari, denying lis pendens bonds on South Florida properties collectively valued in excess of $50 million.
- Wholly defended a real estate company and seven of its principals in litigation claiming the unlawful purchase of commercial properties valued at roughly $6 million in Memphis, Tennessee. After securing a transfer from Tennessee to Maryland federal court (based on an applicable forum selection clause), we obtained a complete dismissal of the plaintiff's claims.
- Received a substantial settlement in an action brought to recover a fraudulently obtained defeasance fee—a prepayment penalty on a loan—based on a false promissory note against a Tennessee based federal savings bank. The case arose out of a $12 million real estate sale in central Florida.
- Settled a multimillion-dollar lawsuit involving numerous parties arising out of a joint venture to purchase and develop a commercial building and an adjacent lot in Bay Harbor Islands, Florida.
- Successfully defended four real estate investors against a federal court breach of contract action brought by a publicly traded finance corporation seeking to enforce loan guarantees involving valuable Florida properties.

Insurance

- Favorably settled declaratory judgment action in federal court under marine insurance policy where insurer—in a case of first impression in the United States—wrongfully denied coverage for extensive property damages to a performance catamaran powerboat incurred in a tragic accident. Obtained summary judgment establishing coverage under state law and the case was thereafter promptly settled on appeal.
- Received multimillion-dollar settlement in first party property insurance case involving damages to roofing structures throughout multi-building warehouse complex damaged by Hurricane Wilma.
- Prevailed on behalf of homeowner, including recovery of attorney's fees and costs, in first party property insurance case involving extensive damage to an oceanfront home in Deerfield Beach, Florida.
- Settled several million-dollar first party insurance vandalism claims on behalf of warehouse owners.
- Notably defended three commonly owned corporations involved in the shipping industry on the Miami River in declaratory judgment action arising out of a fatal accident involving stevedoring activities.
- Settled federal court action to recover considerable life insurance proceeds.

Appellate

- Quashed trial court order, by certiorari, denying lis pendens bonds on South Florida properties collectively valued in excess of $50 million.
- Final Judgment affirmed in a complex boundary dispute between adjacent residential landowners on Star Island in Miami Beach, Florida in which documentary evidence spanning 90 years was used to confirm ownership of the disputed land.
- Final Judgment affirmed in favor of three companies, including publicly traded entity in a complex commercial case where claimant sought millions of dollars in damages, including punitive damages, for the alleged denial of valuable tag along rights from the sale of proceeds of an asset purchase agreement.
- Significant jury verdict affirmed in action arising out of breach of joint venture agreement for condo conversion of a Miami Beach Art Deco hotel.
- Summary Judgment affirmed in fraud case arising from ownership and operation of a Miami Beach Art Deco hotel.
- Summary Judgment affirmed denying insurance coverage in negligent entrustment case based on liquor liability exclusions.

Awards & Honors

- *South Florida Business Journal,* Up & Comers Award Finalist
- Dade County Bar Association, Young Lawyer of the Year

Community Activities / Associations

- The Florida Bar-Chair, Grievance Committee - 11M
- American Bar Association
- American Association For Justice
- Florida Justice Association
- Dade County Bar Association, YLS eMentoring Program, Founder and Director
- Advisory Board to Miami Senior High Legal Magnet Program
- Committee of 100 to benefit Big Brothers Big Sisters of Greater Miami
- Temple Beth Sholom*:* Open Tent, Founding Board Member; Mitzvah Day Captain
- Hugs & Kisses for Miami Children's Hospital, Founding Board Member

- Miami Rescue Mission, Volunteer
- Miami-Dade County Public Schools, Mock Trial Judge

In the News

Berger Singerman Bolsters Dispute Resolution Team with Addition of Justin B. Elegant as Partner
February 28, 2017

Daily Business Review highlights addition of Justin Elegant in "Petros & Elegant's Justin Elegant Jumps to Berger Singerman"
February 27, 2017

Events & Speaking Engagements

Justin B. Elegant, Panelist, “Asset Recovery in Foreign Jurisdictions: Lessons from the Brazil-US Experience” (Brazil-Florida Business Council, Inc. Zoom Webinar)
September 13, 2023

Prior Affiliations

- Petros & Elegant, P.A.
- Shook, Hardy & Bacon L.L.P.
- Anderson, Moss, Sherouse & Petros, P.A.
- Honorable Shelby Highsmith, U.S. District Court, Southern District of Florida