BERGER SINGERMAN
FLORIDA'S BUSINESS LAW FIRM

KENNETH W. WATERWAY

Partner

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For Ken Waterway, client service begins with being a good listener. He understands that he’s not dealing with his case or the firm’s case—it is the client’s case. Providing effective client service means having a deep understanding that goes beyond just memorizing the facts of the case. Ken recognizes that it is imperative to know everything from the client’s objectives to their values to their risk-tolerance.

Ken is partner and co-manager of the firm's Dispute Resolution Team based in Fort Lauderdale. His practice is chiefly focused on representing entrepreneur-led companies in complex commercial litigation and business disputes, including contract actions, shareholder/partnership disputes, fraud claims, and business torts. He also handles select matters involving product liability and trade secret claims.

According to Ken, his mindset as a trial lawyer has been further shaped by his experiences serving as a juror. In recent years, he has served on both a federal criminal trial jury and on a state civil trial jury for week-long trials that went to verdict. These experiences reaffirmed all of the positive things he has long believed about juries and our jury system, while also highlighting some of the challenges of the system—knowledge that informs his practice. In fact, his deep understanding of jury trials is exemplified in his strong track record. Ken has been part of several jury trial wins in his career, including a number as first chair/ lead counsel

Education

J.D., University of Michigan Law School, 1993
B.S., *with highest honors*, Rutgers University, 1990

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

Complex Commercial Litigation
Cybersecurity & Data Breach

Representative Matters

- Lead trial counsel for executive in dispute with former employer regarding contract and trade secret issues; 3-day bench trial
- Lead trial counsel for property owner in dispute with tenant relating to commercial lease; 3-day bench trial.
- Lead trial counsel for asset management company in dispute with seller and purchaser involving a contractual EBITDA-based purchase price adjustment; 2-week bench trial.
- Lead trial counsel for companies defending claims brought by minority owner; case voluntarily dismissed following second day of jury trial.
- Lead trial counsel for shareholders against Sub-S company and other shareholders; obtained judgment of dissolution following 1-week bench trial
- Lead trial counsel for real estate investor defending claims by co-investors; obtained defense verdict following 1-week jury trial.
- Trial counsel for manufacturer of optical products in breach of contract action; obtained multi-million-dollar damage award following 3-week jury trial.
- Lead trial counsel for diesel engine manufacturer defending commercial claims for defect/breach of warranty; obtained defense judgment following bench trial.
- Lead trial counsel for transportation company defending cluster of claims arising out of head-on collision and derailment of trains; obtained complete defense verdict following 3-week jury trial.

- Lead trial counsel for transportation company defending claim under Federal Liability Employers Act alleging catastrophic, career ending injuries; obtained jury verdict apportioning 99% of fault to plaintiff following 2-week trial.
- Lead trial counsel for transportation company defending claim under Federal Liability Employers Act alleging catastrophic injuries; obtained favorable jury verdict following 2-week trial.
- Lead trial counsel for transportation company defending claim under Federal Liability Employers Act alleging catastrophic injuries; obtained favorable jury verdict following 1-week trial.
- Trial counsel for manufacturer of construction equipment defending case involving leg amputation; obtained verdict apportioning 85% of fault to plaintiff following 2-week jury trial.
- Trial counsel for manufacturer of consumer power tools defending case involving hand amputation; obtained defense verdict following 1-week jury trial.
- Trial counsel for manufacturer of consumer power tools defending case involving injury including alleged complete loss of sexual function; obtained defense verdict following 1-week jury trial.
- Achieved confidential settlement at start of trial for pharmacy industry client as plaintiff embroiled in contract dispute with defendant health care entity following 2+ years of litigation.
- Oral argument at the Eleventh Circuit Court of Appeals for appellee/defendant who prevailed on summary judgment against FLSA claims; appeal dismissed.
- Litigation counsel for group of investors/limited partners defending fraudulent transfer claims on distributions collectively exceeding $100 million.
- Litigation counsel for Florida nurse registry company in several commercial disputes and employment-related matters.
- Litigation counsel for health insurer in contractual reimbursement dispute with provider group.
- Litigation counsel for owners and sub-contractors in various construction lawsuits.
- Representations of various configurations of shareholders/members/partners and entities in wide variety of “business divorce” lawsuits and unlitigated disputes.
- Representations of midsize and small companies in broad variety of contract disputes
- Representation of physicians selling practice in dispute involving contractual working capital-based adjustment to sale price.
- Successfully opposed class certification as counsel for diesel engine manufacturer in cases filed in federal courts in Florida, Georgia, and South Carolina.
- Obtained numerous summary judgments and partial summary judgments as counsel for manufacturers of construction equipment, engines and generators, and consumer products in state and federal courts in Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Illinois, and Texas.

Awards & Honors

- *The Best Lawyers in America®,* 2026-2027
- *Florida Super Lawyers*, 2019-2026
- *Who's Who in America ®*, 2020

In the News

Berger Singerman Attorneys Recognized in the 33rd Edition of Best Lawyers In America
August 20, 2026

Twenty-One Berger Singerman Attorneys Recognized in 2026 Edition of Florida Super Lawyers
June 26, 2026

Twenty-Three Berger Singerman Attorneys Recognized in 2025 Edition of Florida Super Lawyers
June 26, 2025

Twenty-three Berger Singerman Attorneys Recognized in 2022 Edition of Florida Super Lawyers
June 27, 2022

Nineteen Berger Singerman Attorneys Recognized in 2021 Edition of Florida Super Lawyers
June 24, 2021

Twenty-Seven Berger Singerman Attorneys Recognized in 2020 Edition of Florida Super Lawyers
June 8, 2020

Twenty-Eight Berger Singerman Attorneys Recognized in 2019 Edition of Florida Super Lawyers
May 29, 2019

Berger Singerman Adds Kenneth W. Waterway as Litigation Partner
January 13, 2019

Events & Speaking Engagements

Ken Waterway, Panelist, "Calculating Damages from the Plaintiff/Defendant," FICPA's 2023 Valuation, Forensic Accounting & Litigation Services Conference
January 19, 2023

Ken Waterway, Speaker, Modeling the Initial Prehearing Conference and Scheduling Conference: Establishing Protocols, Procedures, and Shaping the Entire Arbitration Process, 2020 Arbitration Advocacy Institute
November 12, 2020

Prior Affiliations

- Waterway Black
- Gordon Hargrove & James / Sedgwick LLP