



JAMES D. GASSENHEIMER

Partner

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James Gassenheimer is a Partner on Berger Singerman's Dispute Resolution and Business Reorganization Teams. He has extensive jury and non-jury trial experience in State, Federal and Bankruptcy court, having tried over 100 cases to jury verdict or judgment. His practice includes real estate related litigation, business torts, complex commercial litigation, bankruptcy litigation, insurance litigation, and product liability litigation. James is Board Certified as a Civil Trial Lawyer by The Florida Bar and National Board of Trial Advocacy and has been recognized as a leading commercial litigator and bankruptcy litigator by *Chambers USA* and *The Best Lawyers in America*. He currently serves on the Executive Council of the Trial Lawyers Section of The Florida Bar and is Vice-chair the Civil Trial Law Certification Committee.

Education

J.D., *cum laude*, University of Miami School of Law

- Editor, Business Law Journal
- Order of the Coif

B.A., Brown University

Bar Admissions

Florida

U.S. Court of Appeals, Eleventh Circuit

U.S. District Courts, Northern, Southern and Middle Districts of Florida

Practice Teams

Dispute Resolution

Business Reorganization

Practice Areas

Bankruptcy Litigation

Complex Commercial Litigation

Director/Officer Litigation & Partnership Disputes

Fiduciary Litigation

Insurance

Real Estate Litigation

Trust and Probate Litigation

Representative Matters

- Lead Trial Counsel to Black Knight InfoServ, LLC in a commercial coverage action and secured a \$19.1MM judgment of indemnity and a \$4.8MM judgment for fees and costs.
- Lead Trial Counsel to Trustee in the successful defense of a Probate Adversary seeking the removal of the Trustee and damages for Breach of Trust.
- Lead Trial Counsel to real estate developer and hotel owner HFZ Capital Group in a dispute with its franchisee over alleged improper termination of its franchise agreement.
- Co-Lead Trial Counsel to Foundation Risk Partners Corp and its affiliates in non-compete and trade secret litigation with Brown & Brown, Inc.
- Lead Trial Counsel to a South Florida based real estate development company seeking specific performance of a \$33 million-dollar acquisition in North Florida.
- Lead Trial counsel to a North Florida gasoline distributor in a multimillion-dollar franchise dispute with its supplier.
- Lead Trial Counsel to Chairman of the Board of Facet Technologies, Inc. in defense of alleged claims for breach of fiduciary duty and breach of a non-circumvent agreement.
- Lead Trial Counsel to Royal Caribbean Cruises Ltd. in an international arbitration with its business partner in a real estate investment dispute.
- Lead Trial Counsel to the co-personal representative of the estate of the late innovative and renowned architect, Norman Giller, in a real estate dispute between the estate and one of its beneficiaries.
- Lead Trial Counsel to Fidelity National Financial affiliate, Black Knight Financial Services, in an insurance coverage case involving director and officer litigation and a \$100 million director and officer insurance policy.
- Lead Trial Counsel to Chapter 7 Trustee Christine Herendeen in a multimillion-dollar fraudulent transfer and aiding and abetting breach of fiduciary duty litigation against Synovus Bank and Regions Bank.
- Co-Lead Trial Counsel to Soneet Kapila as Chapter 7 Trustee in the Universal Health Care bankruptcy in a multimillion-dollar breach of fiduciary duty litigation against the Warburg Pincus private equity fund.

- Lead Trial Counsel to Jeff Soffer and Turnberry Associates' affiliates in the defense of a multimillion-dollar securities, business tort and fraudulent transfer litigation in the Turnberry MGM Grand Towers bankruptcy matter pending in Las Vegas Nevada.
- Lead Counsel to Jeff Soffer, Florida Fontainebleau Hotel LLC and the LIV night club in litigation arising out of the bankruptcy of SFX Nightlife Entertainment, LLC.
- Lead Trial Counsel in the defense of a first-party insurance coverage matter involving \$90 million in fidelity bonds.
- Lead Trial Counsel to Jeff Soffer in Director and Officer liability litigation in regard to the Fontainebleau Resort Las Vegas hotel project.
- Lead Trial Counsel for a Fortune 500 company in litigation relating to an international tax transfer pricing dispute.
- Obtained a defense verdict as Lead Trial Counsel for a NASDAQ listed Fortune 500 company in the jury trial of a case involving the breach of a finder's fee agreement.
- Lead Counsel to the Committee of Unsecured Creditors in a 2,900+ employee WARN Act class action involving claims exceeding \$36 million.
- Lead Counsel to the plan proponent in the reorganization of the largest hotel in Pittsburgh, saddled with \$80 million in claims, and which included the successful six-day trial of a contested matter against the hotel's secured lender, the Blackrock hedge fund.
- Lead Trial Counsel to a publicly-traded company in the defense of claimed breach of employment and stock option contracts, brought by the former CEO, CFO and President General Counsel to the Court Appointed Receiver in a \$200 million real estate related receivership, handling complex foreclosure litigation, bankruptcy matters, prosecuting and defending claims for fraud, lender liability, lien priority issues and first and third party insurance claims involving over 20 separate and affiliated developers.
- Lead Trial Counsel to an institutional research boutique and brokerage firm that resulted in a mediated \$8 million settlement of a claim for breach of a purchase and sale agreement with a publicly traded European based technology and database services company.
- Lead Trial Counsel representing a general contractor in a \$675 million construction lien priority litigation filed as an adversary in bankruptcy court.
- Lead Trial Counsel to a Developer in breach of contract litigation with a home builder involving claims totaling \$150 million.
- Lead Trial Counsel to a high net worth individual in a series of complex litigation matters that emanated from a thirty-year old family dispute and claims in excess of \$420 million. The cases included the successful defense at the trial of claims for breach of fiduciary duty, lender liability and fraud.
- Successfully turned a contentious international arbitration dispute between the firm's client, a European Distributor of Environmental Products, into a business resolution that extended the client's relationship with its U.S. manufacturer.

Awards & Honors

- Invited to be part of the faculty of the 2019 Florida Bar Advanced Trial Advocacy Program
- Board Certified as a Civil Trial Lawyer by The Florida Bar Board of Legal Specialization
- Board Certified in Civil Trial Advocacy by the National Board of Trial Advocacy
- Board Certified in Civil Pretrial Practice Advocacy by the National Board of Civil Pretrial Practice Advocacy
- *Chambers & Partners USA, America's Leading Business Lawyers*, General Commercial Litigation, 2011-2020
- *Chambers & Partners USA, America's Leading Business Lawyers*, Bankruptcy Litigation, 2020
- Winner of M&A Advisors 7th Annual Turnaround Awards for outstanding achievement as Chapter 11 Reorganization of the Year between \$10M - \$250M, 2013

- *Daily Business Review*, Finalist, Top Dealmaker Award for Pittsburgh Grand Hotel Deal, 2012
- Member, The American Inns of Court, Spellman-Hoeveler Chapter. The American Inns of Court is a group of judges, lawyers and law professors with 20,000 active members throughout the United States whose mission is to foster excellence in professionalism, ethics, civility and legal skills in order to perfect the quality and efficiency of justice in the United States.
- *The Best Lawyers in America*®, 2013-2021
- *The South Florida Legal Guide*, Top Lawyers in South Florida, 2011-2014, 2016-2019
- *Florida Super Lawyer*, 2006, 2008-2009, 2011-2020
- *Florida Trend*, Legal Elite, 2011-2012, 2015
- *Martindale-Hubbell*, AV® Preeminent™ rated
- Senior Fellow, Litigation Counsel of America, an invitation-only trial lawyer honorary society
- Recipient of the Pro Bono Service Award in recognition of continuing support and outstanding contribution to "Put Something Back," a joint pro bono project of the Florida Eleventh Judicial Circuit and the Miami-Dade County Bar Association in the area of Family Law, May 2002 for devoting over 150 hours to the preparation and trial of a hotly contested grandparent visitation case.

Community Activities / Associations

- The Florida Bar Advanced Trial Advocacy Program, 2019
- The Florida Bar Civil Trial Law Certification Committee, 2017-2020
- Member, Executive Council of the Trial Lawyers Section of The Florida Bar
- Miami-Dade Trial Lawyers Association
- Member, FIU College of Law Dean's Advisory Council, 2015-18
- Member, Patricia and Phillip Frost Museum of Science Board of Trustees, 2014-2016
- The Bankruptcy Bar Association of the Southern District of Florida
- The Federal Bar Association
- The Dade County Bar Association

In the News

Thirty-Five Berger Singerman Attorneys Recognized in the 2021 Edition of Best Lawyers In America
August 20, 2020

Twenty-Seven Berger Singerman Attorneys Recognized in 2020 Edition of Florida Super Lawyers
June 9, 2020

Daytona Beach News-Journal Features Berger Singerman in "Legal War Escalates Between Daytona's Brown & Brown, Crosstown Upstart Foundation Risk"
December 2, 2019

Twenty-one Berger Singerman Attorneys Listed in South Florida Legal Guide as Top Attorneys
November 1, 2019

Thirty Berger Singerman Attorneys Recognized in the 2020 Edition of Best Lawyers In America
August 15, 2019

Twenty-Eight Berger Singerman Attorneys Recognized in 2019 Edition of Florida Super Lawyers
May 30, 2019

Berger Singerman Recognized by Chambers USA for Sixteenth Consecutive Year
April 25, 2019

Berger Singerman Recognized by Chambers USA for Sixteenth Consecutive Year

April 25, 2019

South Florida Legal Guide Names 21 Berger Singerman Attorneys as Top Lawyers
March 8, 2019

Daytona Beach News-Journal quotes James Gassenheimer in, "Brown"
January 22, 2019

Thirty Berger Singerman Attorneys Recognized in the 2019 Edition of Best Lawyers In America
August 15, 2018

Thirty-One Berger Singerman Attorneys Recognized in 2018 Edition of Florida Super Lawyers
June 18, 2018

Berger Singerman Recognized by Chambers USA for 15th Consecutive Year
May 3, 2018

Berger Singerman Recognized by Chambers USA for 15th Consecutive Year
May 3, 2018

South Florida Legal Guide Names 23 Berger Singerman Attorneys as Top Lawyers
January 10, 2018

Law360 quotes James Gassenheimer in, "Israeli Court Nixes Arbitration Clause In Real Estate Row"
January 3, 2018

Thirty Berger Singerman Attorneys Recognized in the 2018 Edition of Best Lawyers In America
August 15, 2017

Law360 quotes James Gassenheimer in, "M&A Bankers Amp Up Disclosures Amid Chancery Crackdown"
July 3, 2017

Thirty-Two Berger Singerman Attorneys Recognized in the 2017 Super Lawyers Florida Edition
June 9, 2017

Berger Singerman Receives High Marks by Chambers USA for Fourteenth Consecutive Year
May 30, 2017

Daily Business Review: Regions Bank Must Cough Up Attorney-Client Communications in Check-Kiting Case
May 10, 2017

Daily Business Review profiles James Gassenheimer on "Triathlete-Lawyer Looks Back on His Path to Law"
April 14, 2017

Twenty-Eight Berger Singerman Attorneys Recognized in the 2017 Edition of Best Lawyers In America
August 15, 2016

Tampa Bay Business Journal interviews James Gassenheimer on "Synovus to pay \$9M to settle claims involving Clearwater firms"
August 9, 2016

Thirty-Six Berger Singerman Attorneys Recognized in the 2016 Super Lawyers Florida Edition
June 14, 2016

Berger Singerman's Dispute Resolution Team Receives High Marks by Chambers USA
June 8, 2016

Berger Singerman Receives High Marks by Chambers USA for Thirteenth Consecutive Year
June 2, 2016

AllBusiness.com quotes James Gassenheimer on "Law and Order: Don't Let Your Business Succumb to Litigation"
February 15, 2016

Publications

Law360, "Florida Private Trials An Attractive Option During COVID-19"
March 24, 2020

South Florida Legal Guide, "Courts Continue to Tighten the Reins on Expert Witness Testimony"
March 8, 2019

Daily Business Review, "GARA Still a Powerful Tool in Aircraft Litigation Cases"
August 21, 2017

Miami Herald, "Is there a new wave of Ponzi schemes coming? There's a possibility"
March 19, 2017

There Oughta Be a Law: Steering Clear of Ponzi Schemes
December 30, 2016

Events & Speaking Engagements

James Gassenheimer, Speaker, "Deposition 360: Preparation, Strategy, and Execution of Taking An Effective Deposition"
February 27, 2019

James Gassenheimer, Speaker, "E-Discovery: How to Avoid Being TAR-ed and Feathered for the Foreign Entrepreneur," American Bankruptcy Institute
January 18, 2018

James Gassenheimer, Speaker, "CLE: Deposition Boot Camp," Business Law Section of The Florida Bar
May 19, 2017

James D. Gassenheimer, Speaker, "The Exposure of Banks and Financial Advisors to Claims for Aiding and Abetting Breach of Fiduciary Duty After RBC Capital Markets, LLC v. Jervis," Commercial Litigation Seminar
October 19, 2016

James Gassenheimer, Speaker, "Evidence for Bankruptcy Lawyers Taught by Real Trial Lawyers," The Bankruptcy Bar Association
March 11, 2016

Prior Affiliations

- Fowler White Burnett
- Mase & Gassenheimer