



## 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 20 years, Justin has devoted his practice to complex civil litigation in Florida's state and federal courts. In addition, he has litigated and coordinated high stakes cases in several other states and internationally. He deals mostly with complicated matters involving multiple parties. 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. These cases regularly involve very large sums of money and typically include one or more of the following claims: breach of contract, fraud, breach of fiduciary duty, unjust enrichment, conversion, tortious interference with business relationships and/or contracts, trademark infringement and declaratory judgment and/or ejectment involving valuable real estate. Justin also has extensive experience handling domestic and foreign judgment enforcement cases. In addition, he has won several first party insurance disputes, including cases in hurricane related, construction and similar contexts.

### Education

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J.D., University of Miami School of Law

- Litigation Skills, Pre-Trial Honors

B.A., University of Miami

## Bar Admissions

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Florida

U.S. Court of Appeals, Eleventh Circuit

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

## Practice Teams

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Dispute Resolution

## Practice Areas

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Appellate

Complex Commercial Litigation

Construction Litigation

Insurance

Real Estate Litigation

## Representative Matters

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### Commercial

- Obtained a \$36 million federal court settlement for a publicly traded, global leading company in the life settlements industry, Emergent Capital, Inc. (f/k/a Imperial Holdings, LLC) and a subsidiary. This litigation was against Sun Life Assurance Company of Canada involving the secondary life insurance market.
- Obtained a \$7 million FINRA arbitration award following a seven-day final hearing in Texas on behalf of a former professional athlete.
- Representing the owner and developer of a roughly \$50 million projected LEED Platinum landmark office center in Coral Gables, Florida in construction delay and defect litigation seeking roughly \$20 million.
- 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.—essentially 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.
- Favorably defended a global digital business and IT services provider in “bet the company” federal court litigation where a leading Florida insurance company sought more than \$90 million and related injunctive relief.
- Representing the world’s largest lessor of intermodal containers and chassis in an action for damages arising from the theft and unlawful sale of 274 marine shipping containers from a Miami depot.
- Successfully represented corporations and individual plaintiffs, at jury trial and on appeal, in an action arising out of breach of joint venture agreement for an extensive condo conversion of a Miami Beach hotel.
- Completely defended a multimillion-dollar claim in arbitration (obtained a decision for the defense with an award of attorney’s fees and costs) brought pursuant to St. Lucian law by an entity against an international hotel corporation involving a resort in the Caribbean.
- Successfully represented three companies, including a large publicly traded entity, at jury trial and on appeal, in a multi-count action which involved 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 and property located in Miami-Dade County.
- 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.
- Completely defended a California corporation, which is a worldwide leading provider of cloud contact center solutions, against claims brought under the Telephone Consumer Protection Act, 47 U.S.C. § 227. A co-defendant paid the entire monetary settlement amount.
- Notably 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.
- Obtained 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 tortious interference with an expected inheritance.

### **Judgment Enforcement/Cross-Border**

- Successfully represented a multibillion-dollar U.S. pharmaceutical company post judgment by securing roughly a \$15 million settlement. This was an action to collect an \$18.5 million in attorney fees and costs award under the Florida Deceptive and Unfair Trade Practices Act against a former joint venture partner in Colombia.
- Defending a foreign individual—and six related limited liability real estate holding companies—in a Chapter 15 of the Bankruptcy Code (11 U.S.C. § 1501) cross border proceeding brought ancillary to a Brazilian bankruptcy.
- Representing an international restructuring firm—secondary to a commercial action pending in the Superior Court of Québec, District of Montreal—seeking equitable relief to enforce a Canadian asset freeze order.
- Received expedited discovery, despite strong opposition, in the Southern District of Florida for British Virgin Islands corporation under 28 U.S.C. § 1782 as to its 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 to collect on a domesticated New York Judgment by exposing several fraudulent transfers and similar dishonestly which forced the debtor into a partial settlement with the balance of the bank's debt forever non-dischargeable.
- Successfully prosecuted an action in aid of execution on behalf of a large Delaware healthcare corporation to collect on a domesticated Texas judgment in Alachua County, Florida.
- Effectively prosecuted an action in aid of execution on behalf of a real estate developer to collect on a domesticated Napa County, California judgment in Broward County, Florida.

### **Real Estate**

- Victorious at bench trial and on appeal in a complicated boundary dispute between adjacent residential

landowners on Star Island in Miami Beach, Florida. We used extensive documentary evidence spanning 90 years (including sketches, surveys, field notes, encroachments, hedge lines and consistent occupation) 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 prevailed by utilizing evidence of an agreed boundary set by the Original Surveyor in 1991, coupled with significant corroborating evidence of use and occupation spanning 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.
- 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. This intricate financial dispute contained allegations of improper use of funds, self-dealing, secret profits, concealment, dilution of interest and related wrongdoing. Our client's claims, including legal malpractice, breaches of fiduciary duties, aiding and abetting breach of fiduciary duty, conversion, judicial dissolution and declaratory judgment were favorably resolved.
- Successfully defended a trespass action seeking punitive damages between neighboring landowners on Star Island, Miami Beach, Florida.
- 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.
- 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 settled on appeal.
- Received multimillion-dollar settlement in first party property insurance case involving broad damages to roofing structures throughout multi-building warehouse complex damaged by Hurricane Wilma.
- Prevailed on behalf of homeowner, including recovery of attorney's fees, in first party property insurance case involving extensive damage to large oceanfront home in Deerfield Beach, Florida.
- Settled several million-dollar first party insurance vandalism claim 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 substantial 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 complicated 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 large 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 high value condo conversion of a Miami Beach hotel.
- Summary Judgment affirmed in fraud case arising from ownership and operation of the Betsy Ross Hotel on Miami Beach.
- Summary judgment affirmed denying insurance coverage in high stakes negligent entrustment case based on liquor liability exclusions.

## Awards & Honors

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

## Community Activities / Associations

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- 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

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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

## Prior Affiliations

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- 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