



## RICARDO A. GONZALEZ

### Partner

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Ricardo A. Gonzalez is a partner on Berger Singerman's Dispute Resolution Team and a resident in the firm's Miami office. Rick is an experienced litigator and regulatory defense and compliance attorney who has been litigating cases in federal and state courts and before domestic and international arbitral tribunals for nearly two decades. He approaches each engagement from the client's perspective, drawing on his experience on both sides of the courtroom to offer clients practical advice tailored to each case. His deep experience representing corporations across a wide range of industries gives him unique insights into understanding clients' business objectives. Rick develops strategies for clients in litigations, arbitrations, and regulatory proceedings consistent with those objectives while allocating clients' resources in a cost-effective and efficient manner.

Rick focuses his practice on four major areas:

- **Commercial Litigation.** Rick regularly represents leading U.S. and multinational companies and individuals across various industries — including banking, technology, media, health care, pharmaceutical, and hospitality — in the defense of matters arising out of complex commercial transactions and business disputes. Rick has defended clients in federal and state class actions, derivative litigations, and in a federal multi-district litigation ("MDL").
- **Financial Services & Securities Litigation.** Rick also represents banks and other financial services institutions, as well as securities broker dealers, investment advisers, and their associated persons, in the defense of customer and investor actions involving claims for fraud, breach of contract, breach of fiduciary duty, business torts, and violations of federal and state laws, including the Racketeering Influenced and Corrupt Organizations ("RICO") Act, the Securities Exchange Commission Act of 1934 ("Exchange Act"), [bergersingerman.com](http://bergersingerman.com)

and state Unfair and Deceptive Acts and Practices ("UDAP") statutes.

- **Regulatory Defense & Compliance.** Rick advises and represents public and private companies, as well as their officers and directors, in government and regulatory investigations, compliance reviews, and enforcement actions. He also advises companies in internal investigations including with respect to compliance under the Foreign Corrupt Practices Act ("FCPA"). As a former attorney at the Federal Trade Commission ("FTC") responsible for investigating and enforcing violations of federal financial consumer protection and privacy laws, Rick offers his clients substantive experience and knowledge regarding the government investigatory and enforcement process.
- **International Arbitration.** Rick represents corporations and individuals across various industries in the defense of matters arising out of complex commercial transactions and business disputes before international arbitration tribunals, including the International Chamber of Commerce ("ICC") and International Centre for Dispute Resolution ("ICDR"). In addition, Rick has published articles and spoken at several bar, professional, and industry conferences and continuing legal education forums on various topics regarding international commercial arbitration.

Rick also devotes time to *pro bono* matters. Significantly, he was a member of the litigation team that represented two foster children *pro bono* in the landmark Florida "Gay Adoption Case" which declared a state statute banning the adoption of children by gays and lesbians unconstitutional on equal protection grounds.

Rick has a proven record serving as lead, or "first chair," litigation and trial counsel. His successes include dozens of pre-trial and pre-hearing dismissals in court actions and arbitrations; complete defense verdicts (jury trials); final judgments for defendants (bench trials); and final awards in favor of the defendants in domestic and international arbitrations. A few of the high-profile matters he has handled have garnered significant local, national, and international media coverage.

## Education

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J.D., Georgetown University Law Center  
B.A., *cum laude*, Georgetown University

## Bar Admissions

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Florida  
Maryland  
U.S. Court of Appeals, Eleventh Circuit  
U.S. District Court, Middle District of Florida  
U.S. District Court, Southern District of Florida

## Practice Teams

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Dispute Resolution

## Practice Areas

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Banking & Financial Services Litigation  
Class Action Litigation  
Complex Commercial Litigation  
Complex Fraud & Securities Litigation  
Healthcare  
Internal & Corporate Investigations and Compliance

## Foreign Languages

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- Spanish

## Representative Matters

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### Commercial Litigation and Arbitration

- *Deligdish v. Bio-Reference Laboratories, Inc.*, No. 6:17-cv-438-Orl-31 DCI (M.D. Fla.). Served as lead litigation counsel for Bio-Reference Labs. ("BRL") in defense of action alleging that it breached the terms of a stock purchase agreement entered into by the parties for the purchase of plaintiff's business. Obtained summary judgment on the majority of the claims which accounted for approximately 85% of the \$1.8 million in compensatory damages sought by plaintiff (Order available at: 2018 WL 6261868 (M.D. Fla. Oct. 18, 2018)); settled the remaining claim consistent with defendant's business and litigation objectives.
- *Stoddard v. Microsoft Corp., et al.*, No. 2015 CA 002843 NC (Fla. 12th Jud. Cir.). Served as lead counsel for Microsoft in a wrongful death suit brought by mother of deceased child in which she sought to hold Microsoft and other technology companies that had worked on an online child abuse reporting hotline (the "Hotline") for the Florida Department of Children and Families ("DCF") liable for her daughter's death, on the theory that, if the Hotline had been functional -- and plaintiff alleged that it was not -- then DCF would have received a report of suspected child abuse from the daughter's schoolteacher and acted to remove the child from the custody of the father and stepmother before they physically beat her and inflicted fatal injuries to the child. Obtained order dismissing the third amended complaint "with prejudice" (Jun. 13, 2018).
- *Banco Central de Venezuela v. DolarToday, L.L.C., et al.*, No. 15-cv-00965 (GMS) (D. Del.). Served as lead counsel for DolarToday ("DT") -- a Miami-based online media and news aggregator that publishes a daily "black market" Venezuelan *bolivar* to U.S. dollar exchange rate (the "DT Rate") on its website -- and its principals in a lawsuit filed by an agency of the Venezuelan government which seeks to enjoin the defendants from publishing the DT Rate on the grounds that it violated the Lanham Act and Venezuelan law and was part of an illegal RICO conspiracy to devalue the *bolivar*; exacerbate price inflation in the Venezuelan economy; incite discontent among the Venezuelan electorate; and trigger the downfall of Nicolás Maduro's government. Obtained order dismissing the Venezuelan government's Second Amended Complaint "with prejudice."
- *Seguros Universales, S.A., et al. v. Microsoft Corp.*, No. 13-cv-22131 (JLK) (S.D. Fla.). Represented Microsoft in an action brought by three Guatemalan corporations which asserted claims for violation of RICO, fraud, and unjust enrichment based on allegations that Microsoft's "anti-piracy" team colluded with two other entities to provide false information to a Guatemalan special prosecutor in order to obtain a fraudulent seizure order against plaintiffs from the Guatemalan courts, and with Guatemalan law enforcement officers in tow, used the seizure order to extort plaintiffs by demanding an on the spot agreement to pay \$70,000, or "Microsoft would remove Plaintiffs' servers." Obtained dismissal based on *forum non conveniens*. (Order available at: 32 F.Supp.3d 1246 (S.D. Fl. Jul. 22, 2014)).
- *Rojas, et al. v. Krypton Pest Control Co., et al.*, No. 1:10-cv-22757-LENARD/Turnoff (S.D. Fla.). Obtained a defense verdict against plaintiff, Roberto Rojas, in suit for unpaid overtime wages under the Fair Labor Standards Act. (Verdict, February 2, 2012).
- *Varas Casado v. Hilton International Co., et al.*, No. 05-22454-CIV-ALTONAGA/Turnoff (S.D. Fla.). Member of team that represented defendants in premises liability action arising out of an incident at a Hilton hotel in Venezuela at which a minor child drowned in the hotel pool. Obtained dismissal of suit based on *forum non conveniens*. (Order available at: 2007 WL 9701182 (S.D. Fla. Feb. 22, 2007)).

### Financial Services & Securities Litigation and Arbitration

- *Evergreen E-Pay Solutions, Inc., et al. v. Visa, Inc., et al.*, 16-cv-21695-DPG (S.D. Fla.). Obtained order quashing service of process and vacating default judgment against Costa Rican credit card processor [bergersingerman.com](http://bergersingerman.com)

(Order, Jul. 10, 2018) and leveraged rulings to obtain voluntary dismissal of all claims by plaintiff (Notice, Aug. 29, 2018).

- *In re Fairfield Greenwich Group Securities Litigation*, MDL No. 2088 (S.D.N.Y.) (Anwar v. Fairfield Greenwich Group, et al., No. 09-Civ-0118 (VM)). Represented Standard Chartered Bank International (Americas) Ltd., StanChart Securities International, Inc. (collectively, "Standard"), and their officers and associated persons in 55 cases transferred to a nationwide multidistrict litigation for actions nationwide claiming losses in the "feeder" funds that invested almost their assets in Bernard L. Madoff's "Ponzi" scheme.
- *Gavaldon, et al. v. StanChart Securities Intl., et al.*, FINRA No. 10-05385 (San Diego, CA). Obtained dismissal of all claims following a two-week long final hearing in which former customers asserted claims for common law fraud and violation of Section 10b-5 of the Securities Exchange Act; as well as several other common law claims in connection with Standard's recommendations of Fairfield and sought over \$50 million in compensatory and punitive damages and pre-judgment interest. (Award, Nov. 27, 2012 (available at: <http://www.finra.org/sites/default/files/aaodocuments/10-05385-Award-Majority%20Public%20Panel-20121128.pdf>)); secured order denying claimants' motion to vacate arbitration award (Order available at: 2014 WL 1292907 (S.D. Ca. Mar. 28, 2014)).
- *Jose Saltiel, et al. v. Standard Chartered Bank Intl. (Americas) Ltd.*, ICDR No. 50 148 T 00384 09 (Coral Gables, FL). Obtained dismissal of all claims following a three-day final arbitration hearing in which former Mexican private banking customers of Standard asserted claims for negligence and violation of FINRA's "Suitability Rule" in connection with Standard's recommendations of Fairfield and requested over \$5 million in damages and pre-judgment interest. (Award, Oct. 27, 2010).
- *Zuñiga, et al. v. StanChart Securities, Inc., et al.*, FINRA No. 09-06821 (Boca Raton, FL). Obtained prehearing dismissal of arbitration claim brought by former customers asserting common law and statutory claims based on Standard's alleged recommendations of Fairfield and seeking over \$4 million in compensatory damages, plus advisory fees, pre-judgment interest, punitive damages, costs, expenses, and disbursements. (Award, Jul. 30, 2010 (available at: <http://www.finra.org/sites/default/files/aaodocuments/09-06821-Award-FINRA-20100730.pdf>)).
- *Barbachano v. Standard Chartered Bank Intl. (Americas) Ltd.*, No. 10-cv-22961-JJO (S.D. Fla.). Served as lead litigation and trial counsel for private bank in suit by former customer alleging that bank engaged in unauthorized transactions in his account. Obtained summary judgment on counts for negligence and breach of contract (Order available at: 2014 WL 29595 (S.D. Fla. Jan. 3, 2014)); secured defense verdict at trial on remaining count for breach of fiduciary duty. (Verdict available at: 2014 WL 2703448 (S.D. Fla. Mar. 11, 2014)).
- *MKT Reps, S.A. de C.V. v. Standard Chartered Bank International (Americas) Ltd.*, No. 10-cv-22963-JJO (S.D. Fla.). Served as lead litigation and trial counsel for private bank in suit by former customer alleging that bank illegally "froze" his account. Obtained summary judgment on conversion count (Order available at: 2012 WL 1852411 (S.D. Fla. May 21, 2012)); secured a final judgment following a bench trial on the sole remaining count for tortious interference with a business or contractual relationship (Final Judgment available at: 2012 WL 6951358 (S.D. Fla. Jul. 20, 2012), *aff'd* 520 Fed. Appx. 951 (11th Cir. Jun. 6, 2013)); and obtained an award for attorneys' fees and costs of \$278,250.39 for defendant (Order available at: 2013 WL 1289261 (S.D. Fla. Mar. 28, 2013)).
- *Larach v. Standard Chartered Bank Intl. (Americas) Ltd., et al.*, No. 09-cv-21178-FAM (S.D. Fla.). Served as lead litigation counsel for private bank in action by former customer alleging that bank forged his signature on certain pledge agreements and used them to recover unpaid loan amounts allegedly secured by the pledges. Obtained dismissal of count for violations of Section 8 of the SEC Act on motion to dismiss (Order available at: 724 F.Supp.2d 1228 (S.D. Fla. Jul. 2, 2010)); obtained dismissal of the majority of the remaining counts on summary judgment (Magistrate's Report Recommending Dismissal available at: 2011 WL 13173896 (S.D. Fla. Jun. 7, 2011), Order Adopting Magistrate's Report available at: 2011 WL 13174741 (S.D. Fla. Sep. 15, 2011)); and secured order striking plaintiff's expert witness and expert report (Order available at: 2011 WL 13173550 (May 5, 2011)).
- *Hanna Enterprises, LLC v. Bear Stearns & Co., LLC*, NASD No. 04-07370 (Boca Raton, FL). Served as "second chair" arbitration counsel for defendant and obtained dismissal of all claims following a week long

final arbitration hearing in which claimant asserted causes of action for negligent misrepresentations and omissions; breach of fiduciary duty; breach of contract; and vicarious liability in connection with his failed hedge fund investments and sought damages in the amount of \$4,465,165.00, plus pre-judgment interest and costs. (Award, Mar. 24, 2006 (available at: <http://www.finra.org/sites/default/files/aaodocuments/04-07370-Award-NASD-20060324.pdf>)).

## Regulatory, Compliance & Special Investigations

- *SEC Non-public Formal Order of Investigation*. Represented individual broker dealer in a non-public (confidential) investigation by SEC staff regarding his involvement in the pricing, valuation, and analysis of certain collateralized debt obligations ("CDOs") at his former employer. SEC staff ultimately did not recommend that the Commission bring formal charges against the client.
- *Non-public Internal Investigation of Vacation Resorts Owner and Developer*. Advised leading U.S. vacation resorts owner and developer regarding Foreign Corrupt Practices Act (FCPA) compliance and bribery and misappropriation issues in connection with a remodeling and construction project at a property in Cancun, Mexico.
- *Non-public Internal Investigation of Clothing Manufacturer*. Conducted confidential internal investigation for clothing manufacturer regarding embezzlement concerns and the lack or failure of internal controls.
- *Non-public Internal Investigation of Telecommunications Company*. Conducted confidential internal investigation for major U.S. telecommunications client regarding reported concerns of non-compliance with the FCPA and anti-bribery law by its business units in several countries in South America.

## Pro-Bono

- *In the Matter of the Adoption of John Doe and James Doe, Case No. [REDACTED]* (11th Jud. Cir. Fla.). Represented the foster children in the landmark case that declared a Florida statute barring the adoption of children by gays and lesbians unconstitutional on equal protection grounds. The trial court's final judgment was affirmed by Florida's Third District Court of Appeals. See *In re: Adoption of X.X.G. and N.R.G.*, 45 So.3d 79, 92 (Fla. 3d DCA 2010). The following day, the governor of Florida announced that the statute would no longer be enforced in the state, and DCF issued a directive that prospective adoptive parents would no longer be questioned about their sexual orientation.

## Awards & Honors

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- Team Member, *U.S. News - Best Lawyers®*, "Law Firm of the Year," Banking & Finance - Litigation, 2017
- Team Member, *Daily Business Review* - Litigation Department of the Year Awards, "Large Firm," 2017
- *Super Lawyers magazine, Florida Super Lawyers*, "Rising Star," 2012, 2013, 2014
- Team Member, *Daily Business Review* - Litigation Department of the Year Awards, "Large Firm," 2013
- SAVE DADE Foundation, "Champion of Equality Award," May 2011
- *Daily Business Review*, "Most Effective Lawyer," Appellate, 2010
- *Daily Business Review*, "Most Effective Lawyer," Pro Bono, 2009

## Community Activities / Associations

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- Judge, *Miami Herald* Silver Knight Awards - General Scholarship, 2019; Social Sciences, 2017-2018
- American Bar Association, Special Projects Liaison to Section of Litigation Chair, 2015-2016
- Member, Campaign Committee, Legal Services of Greater Miami
- United Way of Greater Miami, Older Adult Impact Council
- Member, Hispanic National Bar Association

- Member, Federal Bar Association

## In the News

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Daily Business Review Quotes Ricardo Gonzalez in "Another Greenberg Litigator Defects, Moves to Berger Singerman"

August 5, 2019

Law360 Features Ricardo Gonzalez in "Berger Singerman Lands Greenberg Traurig Litigator"

August 1, 2019

South Florida Business Journal Features Ricardo Gonzalez in "People on the Move"

July 31, 2019

Attorney at Law Magazine Features Ricardo Gonzalez in "Florida Talk of the Town"

July 31, 2019

Attorney at Law features Ricardo Gonzalez in, "Florida Talk of the Town"

July 31, 2019

Attorney at Law features Ricardo Gonzalez in, "Florida Talk of the Town"

July 31, 2019

Berger Singerman Strengthens Dispute Resolution Team with Addition of Prominent Litigator Ricardo A. Gonzalez as Partner

July 29, 2019

## Publications

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Association of Corporate Counsel of South Florida Newsletter, "Litigation or Arbitration? That Is the Question"

December 1, 2017

Daily Business Review, "A Clause Worth Fighting For: Tips for Drafting an Effective Arbitration Agreement"

November 17, 2016

## Events & Speaking Engagements

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Ricardo Gonzalez, Panelist, "El impacto de las Reglas de Praga en al arbitraje internacional. Coincidencias y diferencias con las Reglas de la IBA sobre práctica de prueba," XIII Congreso Internacional del Arbitraje

April 24, 2019

Ricardo Gonzalez, Panelist, "Protecting Your Company in International Transactions: How Drafting a Good Arbitration Clause is the First Step in Winning a Potential Dispute," International Arbitration Roundtable and CLE Program

October 9, 2018

Ricardo Gonzalez, Panelist, "Hit Hard, Run Fast: Tips for Hitting a Home Run in Dispute Resolution," Association of Corporate Counsel of South Florida 8th Annual CLE Conference

October 6, 2017

Ricardo Gonzalez, Panelist, "Psychological Flexibility: How to Unhook from the Chatter in Your Mind and Achieve Values-Based Success," ABA, Section of Litigation - LGBTQ Forum

May 2, 2017

Ricardo Gonzalez, Panelist, "Key Considerations for Drafting an Effective Arbitration Clause," Assoc. of Corporate Counsel of South Florida 7th Annual CLE Conference

September 30, 2016

Ricardo Gonzalez, Panelist, "Over Budget? Utilizing Technology to Reduce Litigation Costs," Hispanic National Bar Association Annual Conference  
March 18, 2016

### **Prior Affiliations**

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- Greenberg Traurig, LLP (2003 - 2019)
- Federal Trade Commission, Bureau of Consumer Protection, Div. of Financial Practices (2000 - 2003)