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Education

George Mason University School of Law (Arlington, Virginia), 2004

Cum Laude

George Mason Law Review, Executive Editor

Leroy S. Bendheim Fellow for Law and Economics (Academic Scholarship)

Published Note: Toward a More Balanced Treatment of the Negligent
Transmission of Sexually Transmitted Diseases and AIDS, 12 Geo. Mason
L. Rev. 481 (2004)

James Madison University (Harrisonburg, Virginia)

Graduate studies in American history, 2001

James Madison University (Harrisonburg, Virginia),

B.S., Economics 2000

Admissions & Memberships

- Florida, 2004
- Washington, D.C., 2011
- New York, 2014
- U.S. Supreme Court
- U.S. Dist. Court for the Southern & Middle Districts of Florida,
- U.S. Dist. Court for the District of Columbia & Northern District of Texas
- U.S. Bankruptcy Court for the Southern & Middle Districts of Florida
- Fifth, Seventh, Ninth and Eleventh Circuit Court of Appeals
- Dade County Bar Association
- Broward County Bar Association
- Federal Bar Association
- American Association for Justice, Press Advisory Committee Member
- Florida Bar Grievance Committee, 11th Circuit (F), Chair 2010-2013.

Prior Firms

Matthew Seth Sarelson, P.A., Miami, Florida – Jan. 2007- Sept. 2012; Oct. 2014 to present

Owner/partner – specializing in corporate, commercial, employment, fiduciary, and probate litigation. Significant executive compensation and employment counseling.

Conrad & Scherer, LLP, Ft. Lauderdale, Florida – September 2012 to October 2014

Partner, specialization in (i) commercial, corporate, financial, consumer, real estate, banking and fraud litigation, (ii) fiduciary litigation (law, accounting, investment advisory) and (iii) employment counseling and litigation (including class and collective actions). Practice primarily in federal court (including bankruptcy court). Significant appellate practice.

Isicoff Ragatz & Koenigsberg, LLP, Miami, Florida – May 2006 to January 2007
Associate, Commercial Litigation, Labor and Employment Defense. Represented University of Miami, Baptist Health South Florida, Bank of Miami, Watson Pharmaceuticals

Morgan Lewis & Bockius, LLP, Miami, Florida – May 2005 to May 2006
Associate, Labor and Employment Defense Litigation. Represented American Airlines, Johnson & Johnson, Aramark, Sysco, Tyco International and other Fortune 100 corporations

Smith Pachter McWhorter & Allen, PLC, Tysons Corner, Virginia – Summer 2003
Summer Associate, Government Contracts & Construction Litigation

Fairfax County Public Defender, Fairfax, Virginia – Summer Intern 2002

Judicial Experience

Law Clerk, Honorable Frank A. Shepherd (Ret. Chief Judge); Florida Court of Appeal, Third District (Miami) – August 2004 to May 2005

Judicial Intern, Honorable Robert Wooldridge; Fairfax County Circuit Court (Virginia) – Fall 2003

Areas of Practice

Significant trial and appellate experience in financial, fraud and commercial

litigation, real estate litigation, banking litigation, class actions, labor and employment litigation and counseling, wage and hour litigation and appeals. Majority of litigation in federal court. Approximately 15 trials to verdict as first chair (mostly in federal court). Four oral arguments in the Eleventh Circuit Court of Appeals; two oral arguments in Florida's Third District Court of Appeal.

Significant Recent Presuit Settlements

Public Official v. Large Media Company, large presuit settlement against national media company for violations of Florida's state wiretapping laws.

Fundraiser v. Donor, presuit settlement against wealthy charitable donor who allegedly engaged in improper sexual contact with a fundraiser.

Lawyer v. Insurance Company, presuit settlement of first party insurance claim against a lawyer's malpractice insurance company.

Salesperson v. International Communications Company, presuit settlement of threatened sexual harassment and assault lawsuit.

Salesperson v. Nationwide Service Company, presuit settlement of threatened racial discrimination lawsuit and unpaid commission claims.

Salesperson v. Nationwide Service Company, presuit settlement of threatened wage and hour lawsuit.

Hostess v. National Restaurant Chain, presuit settlement on behalf of assaulted hostess.

Financial Advisor v. International Bank, presuit settlement on behalf of female financial advisor.

Lawyer v. Law Firm, confidential resolution of legal malpractice action filed by an attorney.

Significant Trial Level Representations in No Particular Order

InterMed, Inc. v. Block Imaging, LLC, et al, (Alachua County Circuit Court Case No. 20-578). Successful representation of medical device company in non-compete and breach of contract case against competitor and former employees. Settled with a permanent injunction and a monetary payment.

Jericho Cherry v. American Bankshares Mortg. Co., (AAA Case No. 01-18-0002-

6886 – Susan Eisenberg, Arbitrator). Representation of mortgage broker in unpaid compensation and breach of contract case. Post-trial the case settled with a payment for attorney fees.

Steven Miro v. City of Miami, (Miami-Dade Circuit Court Case Nos. 18-034893 & 19-002718). Known locally as *Miro I* and *Miro II*, this was a successful suit against the City for violations of the state public records law. The case ended with the City turning over all documents, a finding that the City violated state public records law, and a large monetary payment for attorney fees.

Steven Miro v. City of Miami, (Miami-Dade Cir. Court Case No. 19-030366). Representation of legislative aid against municipality under Florida's public sector whistleblower act.

Good Gateway, LLC v Chuck Thakkar, et al (Orlando Circuit Court Case No. 16-005038). Defense of declaratory judgment action in connection with post-judgment supplementary proceedings.

Sanchez v. Target Media Partners Operating Co., LLC, (S.D. Fla. 09-20659). Pregnancy discrimination suit against large advertising agency.

Andrx Pharmaceutical v. GlaxoSmithKline, PLC (S.D. Fla. 05-23264). On behalf of generic drug manufacturer, this was a patent infringement action concerning the drug Wellbutrin.

Veroes v. JHM Hotels, LLC, (S.D. Fla. 09-20060). Representation of hotel manager in hotly contested FLSA case, including allegations of forgery and violations of the attorney-client privilege.

Graf v. Laura M. Fabar & Assoc., LLP, (S.D. Fla. 09-21625). Representation of office administrator in FLSA action.

Wolfe v. Saveology.com, LLC, (S.D. Fla. 09-61087). FLSA and Title VII action on behalf of African-American female employee.

Loboguerrero v. Deutsche Bank Securities, Inc., (S.D. Fla. 10-24126). Breach of contract action on behalf of financial advisor against international finance bank.

Mendoza v. Enerjuicer, Inc., (S.D. Fla. 11-20587). Defense of multiparty FLSA action on behalf of local retail chain.

Ramirez v. Miami Dade County, (S.D. Fla. 11-22651). Title VII discrimination and retaliation action on behalf of probationary firefighter terminated days after reporting sexual harassment by her supervisor. 846 F. Supp. 2d 1308 (S.D. Fla. 2012).

Fernandez v. Florida National College, Inc., (S.D. Fla. 11-22814). Qui tam and qui tam retaliation action against private, for-profit college.

Soberon v. Phillips Park, LLC, (S.D. Fla. 11-22829). FLSA action against local developer.

Kaplan v. Code Blue Billing & Coding, Inc., (S.D. Fla. 11-8104). FLSA action arising from unpaid internship. This case went to the U.S. Supreme Court.

Willis v. Okeechobee County, (S.D. Fla. 11-23765). Section 1983 action filed on behalf of former jail inmate who was raped in custody by the sex crimes detective.

United States v. Fast Train II, Corp. (S.D. Fla. 12-21431). Qui tam action against private, for-profit college.

United States v. College of Business & Technology, Inc., (S.D. Fla. 12-21812). Qui tam action against private, for-profit college.

Segrera v. United States Cold Storage, Inc., (S.D. Fla. 12-23212) Title VII and pregnancy discrimination and retaliation lawsuit.

Architectural Ingenieria Siglo XXI, LLC v. Dominican Republic, (S.D. Fla. 13-20544). Representation of non-party Federal Reserve Bank of New York in connection with third-party subpoenas on national bank accounts.

S.E.C. v. JCS Enterprises, Inc., (S.D. Fla. 14-80468). Representation of investors in Ponzi scheme. We filed suit in state court several weeks before the SEC filed its receivership and successfully fought the SEC's request to ban investor participation in the lawsuit.

Louis Vuitton Malletier, S.A. v. John Doe, (S.D. Fla. 10-61839). Defense of trademark infringement action on behalf of alleged counterfeiter.

Childress v. Healthcare Appraiser, LLC, (S.D. Fla. 06-80507). Defense of Equal

Pay Act claim. Case settled the evening before the plaintiff's deposition.

Thomas Norris v. Miami International Art & Design, Inc., (S.D. Fla. 06-20001). Defense of Age Discrimination in Employment Act claim.

Graeler v. U.S. Legal Support, Inc., (S.D. Fla. 14-62570). Representation of former employee in action filed under the Americans with Disabilities Act.

Simmons Bank v. First Capital Victoria, LLC, (E.D. Ark. Case No. 17-00549). Defended national real estate investment fund against breach of contract and fraud claims. We obtained early dismissal of all fraud and quasi-fraud claims leaving only a simple breach of contract action.

Moquin v. KIS Group, LLC (Palm Beach Circuit Court Case No. 16-011722). Representation of Palm Beach investor who alleged he was defrauded out of over \$1M from a private equity firm. Case resolved confidentially after the defendants' motion for summary judgment was denied.

Magnolia Court, LLC v. Moon, LLC, (Miami-Dade Circuit Court Case No. 15-025517). Successful representation of real estate investor filing preemptive declaratory judgment action on a threatened breach of contract lawsuit.

Jason Miller v. Gizmodo Media (S.D. Florida Case No. 18-24227). Representation of material third-party witness and unnamed co-conspirator in a 9-figure defamation case filed President Trump's former communications director.

Blanca Leyda Castro v. Caprio (Miami-Dade Circuit Court Case No. 18-007414). Successful representation of intentional tort lawsuit filed by a former employee seeking several million dollars in damages. Case settled confidentially after a favorable interlocutory appellate ruling for approximately 2% of the initial demand).

Reiterman v. Abid, (M.D. Florida Case No. 19-02282). Representation of victim of online cyber stalking and defamation campaign. After ducking service, the defended voluntarily appeared in the case to avoid discovery into the defendant's family. The defendant's motion to compel arbitration was denied following an all-day evidentiary hearing on our defense of a novation. The trial judge issued numerous take-down orders to various websites. The defendant has appealed the order denying the motion to compel arbitration to the Eleventh Circuit Court of Appeals.

Ali v. National Legal Staffing Support, Inc., et al, (C.D. Cal. Case No. 2:18-011100). Defended Boca Raton-based litigation support company in \$20M nationwide class action. Settled as a single-plaintiff lawsuit prior to clients filing an answer and for a fraction of the demand.

National Legal Staffing Support, Inc. v. Williamson (Palm Beach Cir. Court Case No. 18-010100). Representation of employer against former employee for breach of NDA. We filed a preemptive lawsuit against a former employee threatening to cooperate with an attorney who had filed an action against the company.

Pinto v. Cobb Theatres, LLC, (S.D. Fla. Case No. 07-21771). Lead counsel on nationwide class action under FACTA.

Grabein v. 1-800-Flowers.com, Inc., (S.D. Fla. Case No 07-22235). Lead counsel on nationwide class action under FACTA.

Cowley v. Burger King Corp., (S.D. Fla. Case No. 07-21772). Lead counsel on nationwide class action under FACTA.

King v. Epson America, Inc., (S.D. Fla. Case No 07-22289). Lead counsel on nationwide class action under FACTA.

Grabein v. Jupiterimages Corp., (S.D. Fla., Case No. 07-22288). Lead counsel on nationwide class action under FACTA.

Chin-Tai v. Dynamic Restaurant Operations of South Florida, Inc., (S.D. Fla. Case No. 07-21773). Lead counsel on nationwide class action under FACTA.

Todd Narson v. Intuit, Inc., (S.D. Fla. Case 07-21777). Lead counsel on nationwide class action under FACTA.

Maria v. Apple Computer, Inc., (S.D. Fla. Case 07-22040). Lead counsel on nationwide class action under FACTA.

Jaime v. Muvico Theaters, Inc., (S.D. Fla. Case 07-22117). Lead counsel on nationwide class action under FACTA.

Mayol v. QS Retail, Inc., (S.D. Fla. Case 07-22118). Lead counsel on nationwide class action under FACTA.

King v. Movietickets.com, (S.D. Fla. 07-22119). Lead counsel on nationwide class action under FACTA. 555 F. Supp. 2d 1339 (S.D. Fla. 2008).

Golatt v. Liability Solutions, Inc., (S.D. Fla. 07-22408). Multi-plaintiff FLSA lawsuit.

Lee v. TRG Sunny Isles V, LTD, (S.D. Fla. 08-20391). Representation of real estate investor in condo dispute with developer.

Lee v. Midtown Miami No. 4, LLC (S.D. Fla. 08-20392). Representation of real estate investor in condo dispute with developer.

Beguinet v. Midtown Miami No. 3, LLC, (S.D. Fla. 07-22874). Representation of real estate investor in condo dispute with developer.

Quest Biomedical Int'l, Inc. v. Arras Partners, Inc., (S.D. Fla. 07-23196). Representation of sales agent in non-compete case.

Pedrerera v. P & Y Operations, Inc., (S.D. Fla 19-23535). Defense of FLSA action against local gas station. Case settled for a nominal amount without discovery.

Fenwick v. Florida Pet Retailers, Inc., (S.D. Fla. 19-61080). Defense of TCPA class action. Case settled confidentially as a single-plaintiff case without discovery.

Santoro v. Bayview Financial, L.P., (S.D. Fla. Case 07-21813). Prosecution of Sarbanes-Oxley and Gramm-Leach-Bliley whistleblower complaint against financial service provider.

Pierluca v. Quality Resources, Inc., (M.D. Florida Case No. 8:16-01580). Defended Tampa-based telemarketing company in certified nationwide class action filed under the WARN Act, including a one-day bench trial. Trials under the WARN Act are virtually unheard of. Although the federal judge disagreed with our “good faith” defense, we were successful in precluding the plaintiff’s lawyers from obtaining an award of fees and costs due to numerous mistakes in the certification process.

Berger v. Accounting Fulfillment Services, LLC, (M.D. Florida Case No. 8:16-00744). Defended New York based financial service company in FLSA collective action filed by 11 employees. The federal judge granted our motion to compel arbitration and order each of the plaintiffs to file separate arbitrations in New York. While the appeal was pending, the case settled for approximately 10% of the initial demand.

Philip Davies v. Biostat, LLC, (Orange County Cir. Court Case No. 17-001234). Successful representation of creditor on \$1M promissory note action in the complex business division. After filing a no-asset bankruptcy, the client obtained a favorable settlement.

Philip Davies v. Blackwood Holdings Group, LLC, (Orange County Cir. Court Case No. 18-009753). Representation of minority LLC member and former general counsel in judicial dissolution action and in defense of fraud and rescission counterclaims.

Asia Capital Advisor, Ltd. v. Seisa Medical, Inc., (Broward County Cir. Court Case No. 17- 002426). I was retained by the plaintiff facing a sizeable fee award to correct a judgment improperly entered. The limited representation was a complete success and avoided entry of a significant attorney fee award against my client.

Fachtmann v. Fachtmann, (S.D. Fla. 20-60748). Representation of Plaintiff in action arising under the Stored Communications Act arising from illegal access to a private email account.

Seapower, Inc. v. Tonbo Imaging PTE LTD, (S.D. Fla. 20-61342). Representation of American contractor against Singaporean company.

ACS Optics, LLC v. Tonbo Imaging, Inc., (Broward Cir. Court Case No. 19-024592). Representation of contractor in breach of contract action.

Heartland Bank v. First Capital Real Estate, LLC, (W.D. Ark. Case No. 4:17-00549). Defense of \$16.3M promissory note action secured by real estate in multiple states.

TCA Global Credit Master Fund L.P. v. First Capital Real Estate Investments, LLC (S.D. Fla. Case No. 17-60393). Defense of \$10M credit facility action to fund real estate ventures across multiple states.

RREAF Holdings LLC v. First Capital Real Estate Investments, LLC (N.D. Tex. Case No. 3:17- 00469-B). Defense of \$4M promissory note action concerning the sale of hotels in multiple states.

Ira Kleiman v. Computer Forensics LLC (Palm Beach Cir. Court Case No. 16-

013045). Representation of brother of the alleged founder of Bitcoin in action to recover data and emails concerning the creation of Bitcoin. Obtained the most relevant emails later used in *Kleiman v. Wright*, (S.D. Fla. 18-80176).

Ponce v. Fontainebleau Resorts, LLC, (S.D. Fla. 09-20839). Multiplaintiff FLSA case on behalf of hotel waiters.

Securities & Exchange Commission v. Joe DeRosa (W.D.N.C. Case No. 3:16-00208). Civil enforcement defense resulting in a nominal settlement with the SEC.

Boomerang Systems, Inc. v. Parking Source, LLC (S.D.N.Y. Case No. 15-06524). Defense of \$25M fraud and failure to lend lawsuit concerning first in the nation's robotic parking garage. Case settled confidentiality for a fraction of the initial demand.

Newman v. Walfish (Miami-Circuit Court Case No. 16-000380). Defense of probate action alleging undue influence. The case settled confidentiality for approximately 25% of the initial demand.

Landau v. Landau, (Miami-Dade Circuit Court Case No. 16-000231). Represented trustee and lifetime beneficiary of multimillion-dollar family trust in action brought by qualified contingent beneficiary alleging misuse of trust funds.

Provedora La Perla SA de CV v. Beefeaters Holding Co., Inc., (S.D.N.Y. Case No. 16-00110). Breach of contract action on behalf of Mexican dog food manufacturer.

Alfie Leon v. Joe Carollo, (Miami-Dade Circuit Court Case No. 17-026678). Representation of runner-up in City of Miami commissioner special election challenging the winner's eligibility for office, including a two-day bench trial.

JDJ of Miami, Inc. v. Gerardo Valdes, et al, (Miami-Dade Circuit Court Case No. 15-001465). Representation of defendant physician in non-compete lawsuit, including one-day jury trial resulting in the jury awarding approximately 5% of the plaintiff's monetary demand.

Gerardo Valdes v. GVG of Miami, LLC, (Miami-Dade Circuit Court Case No. 15-0260192) Representation of minority LLC member in judicial dissolution action.

Airline Property Partners, LLC (Various cases in St. Lucie County, Florida):

Representation of international FBO in several commercial eviction actions on international airport.

Fernandez v. Miami-Dade County (Case No. 06-22957 S.D. Fla.) (Martinez, J.): I was court appointed civil rights counsel for a state inmate. I briefed and argued qualified immunity in the Eleventh Circuit of Appeals. 397 Fed. Appx. 507 (11th Cir. 2010). On remand, I tried a two-day jury trial in federal district court before Judge Jose Martinez. Jury returned an adverse verdict.

Kenneth Preve v. JTW Lending, Inc. (Case No. 08-80593 S.D. Fla. 2009): This was unpaid wage case under the FLSA. Judge Vitunac presided over the trial and awarded my client full back and attorneys' fees.

OnCard Marketing, Inc. v. Visionamics, Inc. (Case No. 10-81112 S.D. Fla.): I represented the plaintiff, a New York-based internet startup, in a breach of contract lawsuit against a vendor. The vendor counterclaimed as well. The case settled favorably to the client.

TBOM Mortgage Holding LLC v. Telasco (Miami-Dade Circuit Court): This was a commercial foreclosure case where I prevailed after a contentious full-day bench trial. I also successfully handed the appeal (which was taken to the U.S. Supreme Court). After the judgment, the property owner filed a Chapter 13 petition. I successfully defended the case in the bankruptcy court.

Padilla v. Boca Internet Tech., Inc., (S.D. Fla. 10-61823). Representation of employee in FLSA and Title VII action on behalf of African American female.

Troy Anderson v. Florida Department of Corrections (Case No. 08-20018 S.D. Fla.) (Huck, J): I was court appointed to represent an inmate who accused a state correctional officer of physical violence and first amendment retaliation for filing a grievance with the prison about a different guard. I was appointed three weeks before the trial. We took three favorable depositions of inmates inside the walls of the correctional facility where the assault occurred. Following a two-day bench trial, Judge Paul C. Huck ruled in my client's favor and awarded him an appropriate amount of compensatory damages. Amazingly, Judge Huck awarded my client punitive damages. I am unaware of a federal judge in a bench trial awarding damages under § 1983 to an inmate in a suit against a prison guard.

Conquest Technologies, Inc. v. The Hand, Inc. (Miami-Dade County Circuit Court Case No. 10-018809) (Schwartz, J.): On behalf of an internet technology company, I filed an emergency motion for a temporary injunction to stop a former

employee from violating his non-compete and non-solicitation agreement and to stop a competitor from hiring the former employee. The judge held a half-day evidentiary hearing and entered the requested injunction. It was converted to a permanent injunction as part of a global settlement that was very favorable to the client.

Vanessa Gifaldi v. Interpublic Group Companies (Case No. 2011 SOX 13, Dep't of Labor, ALJ, Washington, D.C.): I represented a former employee of sports marketing giant Interpublic Group Companies and Octagon Inc. under the anti-retaliation provision of the Sarbanes-Oxley Act. The case was tried over a week before a Department of Labor Administrative Law Judge in Washington, D.C. in July 2011. The ALJ entered an adverse finding in May 2013.

S.R. v. United States (Case No. 07-20648 S.D. Fla.) (Altanaga, J.): I represented a former federal inmate who was vaginally and anally raped by Bureau of Prison guards despite her complaints to the U.S. Attorney's Office. Following a two-week bench trial, the district judge ruled in favor of my client on the merits but against my client on the statute of limitations. We deposed numerous FBI agents and assistant U.S. attorneys. The order denying the government's motion for summary judgment is reported at 555 F. Supp. 2d 1350 (S.D. Fla. 2008).

Pinder v. Bahamasair Holdings Limited (Case No. 08-22548 S.D. Fla.) (King, S.J.): I represented an airline employee under Florida's private whistleblower act. Judge King granted Plaintiff's motion for summary judgment on the merits. This is the first and only known case where a plaintiff's motion for summary judgment in a retaliation lawsuit was granted on the merits. The case settled confidentially on the eve of the trial on damages. The order granting plaintiff's summary judgment motion is reported at 661 F. Supp. 2d 1348 (S.D. Fla. 2009).

Smith v. 99 Cent Stuff – Lauderhill, LLC (Case No. 08-22834 S.D. Fla.) (Moreno, C.J.): I defended a putative class action under the Fair Credit Reporting Act. Following my deposition of the plaintiff, the lawsuit was voluntarily dismissed to avoid sanctions.

Romero v. Randle Eastern Ambulance Service, Inc. (Case No. 08-23179 S.D. Fla.) (Moreno, C.J.): I represented an employee who was terminated while on leave under the Family & Medical Leave Act for undergoing a hysterectomy. The case settled confidentially after it became obvious that the defendant's motion for summary judgment was going to be denied.

Select Export Corp. v. Richeson, (S.D. Fla. 10-80526). Representation of trademark owner in infringement and unfair competition action in the art supply field.

Quintana v. Explorer Enterprises, Inc. (Case No. 09-22420 S.D. Fla.) (O'Sullivan, M.J.): I defended a local contractor in a seven plaintiff unpaid wage case. The seven plaintiffs were seeking, collectively, approximately \$125,000. The case settled with each plaintiff receiving only \$2,000.

Stewart v. Blue Water Holdings-Doral, Inc., (S.D. Fla. 08-23394). Represented former employee in FLSA action.

Bryan v. Carpet Replacement Systems, Inc., (S.D. Fla. 09-61478). Represented former employee in FLSA action.

Marks v. Orion Medical Enterprises, Inc., (S.D. Fla. 10-20121). Represented former employee in FMLA and Title VII (race) claim.

Prophet v. International Lifestyles, Inc., (S.D. Fla. 10-20259). Personal injury action against Caribbean resort.

Gutierrez v. Falconwind Consulting, Inc., (S.D. Fla. 10-21163). Defense of FLSA action against internet company.

Moreno v. International Shipping Partners, Inc., (S.D. Fla. 10-21233). Multiplaintiff FLSA action against shipping company.

Terry v. Rodriguez (Case No. 09-23726 S.D. Fla.) (Hoevelor, S.J.): I represented a board certified intellectual property lawyer in a § 1983 action against the City of Miami stemming from his illegal arrest for resisting arrest. Mr. Terry's only damage was spending a few hours in jail. The case settled for \$20,000 prior to any discovery.

Triple7Vaping.com, LLC v. Shipping & Transit, LLC, (S.D. Fla. 16-80855). Representation of alleged patent infringer against non-performing entity.

Terraboost Media, LLC v. Enzer, (S.D. Fla. 16-23269). Successful non-compete case against former employee.

Risk v. JetBlue Airways Corp., (S.D. Fla. 16-62317). Defense of employee in connection with a motion for attorneys fees and costs.

Mendoza v. Enerjuicer, Inc. (Case No. 11-20587 S.D. Fla.) (Hoevelor, S.J.): I

defended a small business in an unpaid overtime lawsuit where the plaintiff was seeking tens of thousands of dollars in back pay plus tens of thousands of dollars in attorneys' fees. The case settled for \$12,000 to the delight of the defendants.

Vujasin v. Chef Vincent, Inc. (Case No. 08-22048 S.D. Fla.) (Cooke, J.): I defended a South Beach hotel and restaurant and its owner in a federal securities fraud lawsuit. Judge Cooke granted my motion to dismiss the securities claims. 2008 WL 4792049 (S.D. Fla. Oct. 31, 2008).

Childress v. Healthcare Appraisers, Inc. (Case No. 06-80507 S.D. Fla.) (Ryskamp, S.J.): With my former law firm, I defended a health care valuation company in an Equal Pay Act case. The case settled very favorably to my client the evening before I was scheduled to take the plaintiff's deposition.

Savignone v. Out of the Blue Café & Wine Bar, Inc., (S.D. Fla. 08-22435). Defense of local restaurant in FLSA action.

Wallace v. International Lifestyles, Inc., (S.D. Fla 08-61437). Personal injury action occurring in Caribbean resort.

Filomena Ruffa v. SaftPay, Inc. (Case No. 11-05043, Miami-Dade Circuit Court) (Graham, J.) I represented a former executive in a breach of contract lawsuit against her former employee. The case was tried over five days in August 2012. Final judgment was entered in favor of my client in October 2013. We appealed a denial of our post-judgment motion for attorneys' fees. The judge's findings of fact noted that "Matthew Sarelson did an excellent job presenting the law and evidence."

United States ex rel. Jessenia Fernandez v. Florida National College (S.D. Fla. Case No. 11- 22814). I represented the relator in a *qui tam* action against a private, for-profit college. The case settled under the anti-retaliation provision of the FCA after the government declined to intervene.

Razorback Funding, LLC, et al v. Gersten Savage, LLP (Case No. 13-02819, Broward Circuit Court) – Lead partner in \$100M+ negligent misrepresentation lawsuit against New York law firm arising out of a private placement memorandum.

BBX Capital v. Daniel Catalfumo -- (Multiple Case Numbers & Venues) – Represented judgment creditor in lawsuit against judgment debtor in South

Florida, Nevis, Jersey and Cayman Islands. We recovered 100% on the dollar after breaking offshore trusts and freezing offshore assets.

Segrera v. United States Cold Storage, Inc. (S.D. Fla. 12-23212) – Representation of employee under both the FMLA and Title VII. My strategy involved filing multiple lawsuits in different venues under different legal theories. The case settled confidentially.

In re Conservatorship of Guma Aguiar (Broward Circuit Court Case No. 12-02716): Representation of wife and children in \$250M+ conservatorship over assets of millionaire entrepreneur who allegedly vanished at sea.

Elliott Borkson v. Guma Aguiar (Broward Circuit Court Case No. 12-04603): Lead counsel for intervening wife in \$13M breach of contract action filed by prominent Ft. Lauderdale attorney against his former client. The trial court granted my motion to dismiss with prejudice.

Oginsky v. Paragon Properties of Costa Rica, LLC. (Case No. 10-21720 S.D.Fla.) (300 plaintiff mass action alleging real estate fraud in South Florida and Costa Rica): The case has been severed into individual lawsuits. The lawyer involved with the seller has been disbarred.

Denton v. Paradise Int'l Properties of C.R., S.A. (Miami-Dade Circuit Court Case No. 10-57853): Representation of six investors in multimillion dollar real estate fraud scheme in South Florida and Costa Rica. The lawyer involved with the seller has been disbarred.

Dawn Morris Willis v. Okeechobee County Sheriff's Office, et al (Case No. 11-23765; S.D. Florida): Representation of county inmate who was sexually assaulted by Sheriff's lead sex crimes detective and the probationary officer who failed to stop it. The case involved extensive briefing on *Monell* liability and the Prison Litigation Reform Act. The case settled favorably on appeal.

Ford v. Genesis Exchange Corp., (S.D. Fla. 10-21932). Representation of multiple executives in unpaid compensation claim against defendant who fled to Canada.

Wallhofer v. Britto Central, Inc., (S.D. Fla. 10-23334). FLSA action on behalf of accountant against prominent international artist.

Dawn Morris Willis v. CORE Program, Inc., Case No. 12-552 (Okeechobee County

Circuit Court). Representation of probationary inmate in lawsuit of first impression accusing probation office of negligence for failing to protect probationary from sexual assault.

Luke Ready Air, LLC v. Chuhak & Tecson, LLP (Case No. 13-20983; Broward County Circuit Court). I represented an aviation company in a \$1M+ legal malpractice lawsuit against its former law firm.

Don Beverly v. HighTower Advisors, LLC (Case No. 13-15979; Palm Beach Circuit Court). Representation of investor in a \$1M+ breach of fiduciary duty lawsuit against his financial advisor.

United States v. KIMC Investments, Inc., (S.D. Fla. 09-81616). Represented relator in qui tam action.

Ft. Pierce FBO LLC v. Renegade Light Sport, LLC (Case No. 562013-CC-002421 St. Lucie County Circuit Court). Successful bench trial tried on behalf of fixed-base operator at St. Lucie County International Airport against rogue commercial tenant.

United States ex rel. Juan Pena v. FastTrain II Corp. (S.D. Fla. Case No. 12-21431). I represented the relator in a *qui tam* action against a private, for-profit college. The U.S. Attorney's Office has intervened and the case resulted with a judgment against the defendants.

Matthew Popkin v. Citibank, N.A., et al (S.D. Fla. Case No. 13-60722). Along with other prominent South Florida law firms, I represented the putative plaintiffs in a billion-dollar class action against Citibank N.A. and Assurant Insurance concerning lender-placed homeowners insurance.

Daniels v. Treasure Coast Surgical Group, P.A. (S.D. Fla. Case No. 11-14386). On behalf of student intern, filed FLSA action claiming unpaid internship was compensable work.

Matthew Ali v. Kevin Mason, P.A., et al (C.D. Cal. Case No. 18-01110). Represented multiple defendants in nationwide fraud class action. Case settled prior to certification for a nominal sum.

David Ahl v. Fairholme Capital Management LLC (Case No. 10-59549; Miami-Dade Circuit Court). Along with Susman Godfrey (Harry Susman), I represented

a former equity analyst in a disability discrimination lawsuit against a leading investment fund. The case settled confidentially.

Blumenauer v. Petland, Inc., (S.D. Fla. 19-61292). Defense of TCPA class action resolved pending administrative stay.

Moraes v. Medtronic, Inc., (S.D. Fla. 19-21415). Breach of executive compensation agreement, specifically unpaid vested stock options.

Alonzo v. Akal Security, Inc., (D. Az. 17-00836). Representation of FLSA claimant.

Gelber v. Akal Security, Inc. (S.D. Fla. 16-23170). Successful representation of 20 member FLSA class. Obtained jury verdict on liability.

United States v. Akal Security, Inc., (S.D. Fla. 16-23636). Qui tam action against government contractor.

TCA Global Credit Master Fund, L.P. v. First Capital Real Estate Investments, LLC, (S.D. Fla. 17-60393) Defense of breach of contract on a \$10M credit facility.

Smith v. Akal Security, Inc., (D. Az. 18-01117). Representation of 40 member FLSA class.

Dean v. Akal Security, Inc. (W.D. La 17-00543). Representation of 102 member FLSA class.

Bennett v. McDermott Int'l, Inc., (W.D. La. 19-00158). Representation of massive FLSA class arising from unpaid travel time.

DeMayo v. Palms W. Hosp., Ltd., 918 F.Supp.2d 1287 (S.D. Fla. 2013). FLSA case arising out of unpaid internship.

Appellate Level

Magnolia Court, LLC v. Moon, LLC, --- So. 3d --- (Fla. 3d DCA Nov. 27, 2019) (Case No. 3D18-722) . On an issue of first impression, the Firm obtained a reversal reinstating a final default judgment against an out of state and unregistered limited liability company. The defendant attempted to void a final default judgment for lack of service. The reversal was worth approximately \$1M to the client.

Caprio v. Castro, --- So. 3d --- (Fla. 3d DCA Jan. 22, 2020) (Case No. 3D19-1248). Successful petition for certiorari to the Third District Court of Appeals arising from a trial court order authorizing punitive damages. The petition (which can be found on www.scribd.com) made it clear that not only the was trial judge's order wrong, but the entire lawsuit was frivolous. The respondent even confessed error to the appellate court in an attempt to minimize the downside risk to contesting the appeal. After the appellate court granted the writ and reversed the trial court's order, the case settled for a small fraction of the initial demand.

Quality Resources, Inc. v. Sarah Toney, Case No. 17-8017 (7th Cir. Oct 12, 2017). Rare, successful Rule 23(f) petition to Seventh Circuit in which the appellate court granted interlocutory review of class certification order and simultaneously vacated the certification order.

Leon v. Carollo, 246 So. 3d 490 (Fla. 3d DCA 2018): In issue of first impression, I represented the runner-up in an election challenge where the Third District ruled that eligibility challenges need to be filed prior to the election notwithstanding the statutory cause of action.

Landau v. Landau, 230 So. 3d 127 (Fla. 3d DCA 2017): On issue of first impression, the Third District Court of appeals held that Florida's more relaxed probate rules, and not the rules of civil procedure, apply in an action pending in the probate division of the circuit court in an adversary case concerning trust litigation.

Josephine Mora v. Jackson Memorial Foundation, Inc., 597 F.3d 1201 (11th Cir. 2010): I represented the plaintiff in an age discrimination lawsuit. The district court granted an adverse summary judgment despite direct evidence. I briefed and argued the appeal. The Eleventh Circuit quickly reversed. This was the first appellate case in the county to analyze *Gross v. FBL Financial* and it recognized that the defendant may not avoid liability under the "same decision" affirmative defense. The case settled on the eve of trial after remand. Trial case no. 07-22239.

Brett Strong v. KIMC Investments, Inc. (11th Cir. 2012): I represented the plaintiff in a False Claims Act whistleblower/retaliation case. The district court dismissed the case for failure to state a cause of action because the employee's conduct was not protected activity. The Eleventh Circuit affirmed after oral argument.

Risa Kaplan, et al v. Code Blue Billing & Coding, Inc. et al (11th Cir. Case No. 12-

12011). I represented three plaintiffs in a consolidated appeal concerning whether unpaid interns are exempt from the minimum wage requirements of the FLSA. This is a timely issue of first impression. The Eleventh Circuit affirmed without oral argument. A petition for certiorari with the U.S Supreme Court was denied. This case received significant media attention.

Handel v. Nevel, 147 So. 3d 649 (Fla. 3d DCA 2014). Appeal from denied Rule 1.540b motion to vacate final judgment.

Ada Lee Ramirez v. Miami-Dade County (11th Cir. Case No. 12-11535): I represented the plaintiff in a Title VII retaliation case. The district court entered an adverse summary judgment despite direct evidence of retaliation. Following oral argument, the decision was affirmed.

Best v. Educ. Affiliates, Inc., 82 So. 3d 143 (Fla. 4th DCA 2012). Appeal from order compelling arbitration.

Ketlyne Alexis v. Arbor E-T, Inc., 66 So. 3d 986 (Fla. 3d DCA 2011). On an issue of first impression, I convinced the Third District Court of Appeal to recognize a cause of action for tortious interference with a business relationship when a supervisor terminates a subordinate for personal reasons unrelated to any legitimate business interest. The employer's petition to the Florida Supreme Court was denied. This reported decision received considerable coverage in the employment bar.

Shawn Darling v. Shaquille O'Neal, Table Opinion (Fla. 3d DCA 2012). I represented a former friend of NBA all-star Shaquille O'Neal in a lawsuit concerning ownership of emails and documents. I was retained to handle an appeal from a temporary injunction entered without evidence and without the posting of an injunction bond. Following oral argument, the appeals court affirmed the decision without a written opinion.

TBOM Mortgage Holding LLC v. Brown, 59 So. 3d 322 (Fla. 3d DCA 2011): On behalf of a national bank, I filed a rare and successful petition for mandamus with the court of appeals after the trial judge refused, without explanation, to enter a default against a defendant who failed to answer a lawsuit. The majority opinion wrote that my work product was "legally impeccable."

7320 Biscayne LLC v. Telasco, 90 So. 3d 296 (Fla. 3d DCA 2012): On behalf of a private investor who was the mortgagee of a large commercial building, I

successfully defended a half-million dollar final judgment. No oral argument was required.

KIS Group, LLC v. Moquin, 263 So. 3d 63 (Fla. 4th DCA 2019). Appeal from order granting motion for leave to amend to add punitive damages claim.

Ruffa v. Saftpay, Inc., 163 So. 3d 711 (Fla. 3d DCA 2015). Appeal from an order denying a motion for attorney fees).

Lopez v. Clarke, 189 So. 3d 805 (Fla. 4th DCA 2015). Law review note favorably cited in case of first impression in Florida.

Community

- PitchMiami, LLC – founder and CEO of internet startup to promote the Miami tech startup scene
- YuPro, Inc. – Founding Member of young entrepreneurs networking organization
- BNI – South Beach, Former Member and Past President of local chapter of Business Networking International
- ORT America – Former Leader of local chapter of international youth and education charity
- Mt. Sinai Medical Center Foundation – Former Board Member of Young Presidents Club
- Maverick PAC – leadership level of national political action committee supporting various Bush family and related candidates
- Principles First – leader of nationwide conservative advocacy group
- Stand Up Republic – Florida chapter director of nationwide advocacy group favoring a return to core American values

Blogs/Press/Awards

- FloridaEmploymentLawyerBlog.com – inactive daily blog concerning employment litigation.
- FloridaConsumerLawyerBlog.com – inactive daily blog concerning consumer protection and class action litigation.
- Quoted/interviewed/published in WSVN-TV, the Miami Herald, the Miami New Times, the Sun-Sentinel, the Palm Beach Post, Smart Money Magazine, the Washington Times, the Daily Business Review, the Wall Street Journal, Bloomberg News, Reuters News, Vice News, Law 360, National Lawyers

Weekly and several other legal and general purpose publications.

- Honored as a top attorney by Florida Trend, Florida Legal Elite and SuperLawyers magazine for almost every year since 2008 by every publication.

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