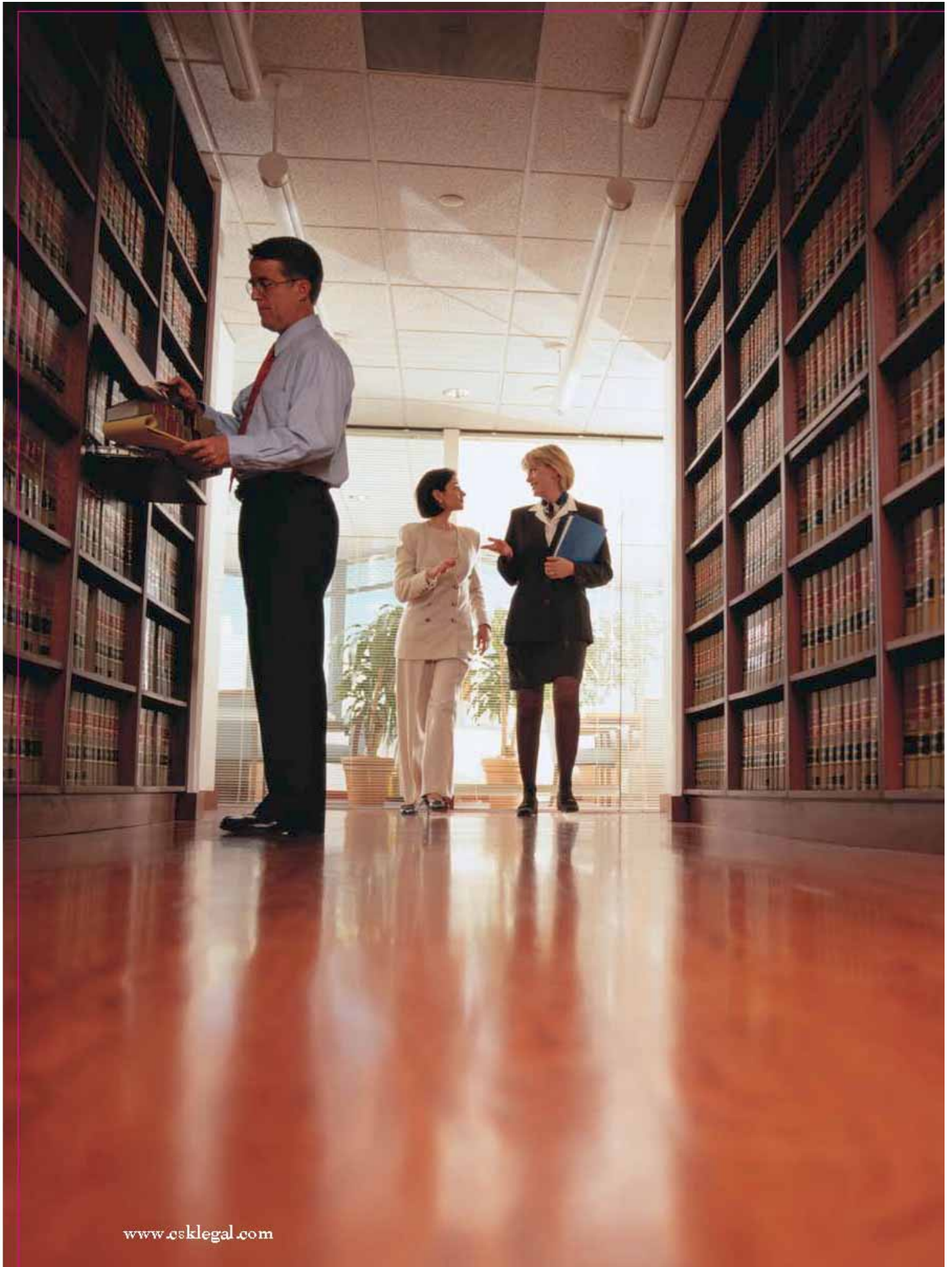




COLE, SCOTT  
& KISSANE, P.A.



# Firm Overview

With a diverse array of practice areas and litigation experience that spans several decades, Cole, Scott & Kissane, P.A. is one of most highly respected, dynamic and successful law firms in Florida. Defined by our dedication, passion and reputation for integrity, we have set ourselves apart by offering clients a level of personalized and professional representation virtually unmatched in the industry. As a unified team of attorneys, paralegals and related office staff, we constantly and consistently employ the power of new technologies, a deep knowledge of the nuances of law and the collective intelligence of talented and astute legal minds to expertly, efficiently and effectively serve the needs of our clients on any and every scale. However, what makes our firm unique is the value we place on the relationships we form. We truly appreciate the level of trust our clients place in our hands and understand how much of a privilege it is to represent individuals and firms in highly sensitive and significant matters with the potential to impact the lives and livelihoods of many. For that very reason, our single focus, commitment and our reason for being is to help our clients achieve the resolutions they desire in the most honest, cost-effective and expedient fashion possible. That is the Cole, Scott & Kissane difference.

# Community Involvement

As successful attorneys and compassionate individuals, we believe in the importance of community service and have a longstanding history of giving back to the communities in which we live and work. Whether it has been providing our expertise to legal aid societies or donating time, money and manpower to local charities, we approach our civic responsibilities with the same level of integrity, passion and innovative thinking that we do the practice of law.

# Practice Areas

## Admiralty and Aviation

Led by former United States Attorney and State and Federal Judge, Thomas E. Scott, our Admiralty and Aviation practice is designed to manage client needs in both complex common law and statutory claims.

Our aviation team has extensive experience in both federal and state courts. Under his guidance, our attorneys have represented a wide array of clients including airlines, U.S. military contractors and subcontractors, and aviation parts manufacturers, with working knowledge of claims involving GARA (General Aviation Revitalization Act), the Warsaw Convention, Montreal Agreement, FSIA (Foreign Sovereign Immunities Act), Government Contractors Defense, and forum non conveniens issues.

Our firm has also been involved with a diversity of admiralty cases ranging from passenger and crew personal injury and wrongful death to claims filed under federal statutes including the Jones Act, DOHSA (Death on the High Seas Act), and FELA (Federal Employers' Liability Act). Our team of seasoned professionals can assist in all types of maritime transportation matters including freight, cargo release and delivery disputes, cargo loss and damages claims, and cases arising under COGSA (Carriage of Goods by Sea Act). We also have vast expertise on limitation of liability clauses, forum selection clauses, pre-accident releases, and other protections and can appropriately guide our clients in developing strategies to minimize their exposure in these areas.

## Appellate

As a true full service firm, our attorneys have the knowledge, experience and expertise to see clients through the appeals process effectively and efficiently. Most importantly, our firm has a dedicated and specialized appellate department that has managed cases that progress to the Florida Supreme Court, the five District Courts of Appeal and all Federal appellate courts, including the United States Supreme Court. Our dedicated appellate department has also been integral in analyzing specialized legal issues, coverage opinions, post-trial motions, and writs for certiorari and prohibition.









## Architects and Engineers

Our firm provides extensive experience in the defense of architects, engineers, construction managers and contractors performing a full spectrum of professional design and construction services. We represent design professionals in all phases of construction litigation, arbitration, alternative dispute resolution and appeals. Many of our attorneys who handle these matters are degreed engineers with experience in the real world of design and construction. Our client's benefit from this industry-specific expertise given our deeper understanding of the highly technical issues arising out of this kind of litigation.

Our experience is often complimented by independent expert consultants who render opinions as to liability exposure within the specific disciplines and the culpability of other parties as it pertains to the standards and methodologies adopted. Clients are often in need of legal advice before litigation is formally started and we can provide guidance when a design professional becomes aware of a potential claim.

Construction related accidents often involve temporary structure failures, building collapses, floods, explosions or basic deviation from design specifications that place a structure at risk. When faced with this kind of crisis, our attorneys assist clients in the successful management of the litigation that inevitably follows. We have built a stellar reputation for providing comprehensive and realistic advice on exposure to liability. Our ability to handle even the largest litigation cases and industry-specific experience is a unique combination that makes our firm an exceptional resource.

## Arbitration, Alternative Dispute Resolution and Mediation

Intended to help our clients avoid lengthy and costly civil litigation, our Alternative Dispute Resolution practice includes mediation, arbitration & private trial services. We are also available to serve as receivers and court appointed special masters. We offer evening and weekend availability throughout Florida. Our attorneys have specific experience serving as special masters, mediators, and arbitrators in state and federal cases.

Our Alternative Dispute Resolution team strives to provide the highest quality mediation, arbitration and private trial services at a reasonable price for our clients. We recognize even the simplest civil action can be costly, and we strive to ensure our services are tailored to the needs of our clients without sacrificing the quality of work our clients have come to expect. Our team has specialists in a wide variety of fields so the goal of effective alternative dispute resolution can be accomplished in any type of civil claim one may encounter.

## Bad Faith

Bad faith claims are on the rise nationally. Our extremely experienced bad faith team assists our clients in defending every potential type of bad faith claim, including common law and statutory claims, and first and third party claims. We also have extensive experience in consulting, guiding and defending all types of clients in potential or actual bad faith claims, including direct claims against adjusters, and claims against primary and excess carriers. Our nationally recognized bad faith attorneys have published articles or lectured widely on bad faith. Our team will work with our clients throughout all stages of a potential or actual bad faith claim to ensure their unique needs are met.

## Commercial

When business disputes arise, litigation costs can skyrocket. That is why, before we start the “legal” process, we evaluate, with our clients, the expected expenditures of legal action versus the potential benefits of a claim. Whether they are a large company or a small one, we believe it is vital to the health and well being of their organization that they understand the impact commercial litigation can have on their bottom line. Once they have made the decision to move forward, from initial investigation through trial and beyond, our commercial litigators can and will manage all major aspects of their commercial and business dispute with the focus, dedication and professionalism for which our firm is renowned. Our experience in commercial litigation includes:

- Acquisition and warranty claims
- Shareholders’ disputes
- Construction and engineering contract disputes
- Intellectual property claims
- Landlord and tenant disputes
- Commercial torts
- Contract disputes
- Fraud claims
- Unfair business practices
- Conversion
- Conspiracy
- Professional indemnity



## Condominium & Community Association

Condominiums and community associations represent truly unique entities and bring with them a variety of distinct challenges and dynamics. We have created a practice area specializing in the needs of condominium and community associations and management organizations as well as lenders and developers. We have regularly helped guide these entities in transactional matters, arbitration and litigation disputes of all types and kinds, in state and federal court, and through the administrative process in DOAH (Department of Administrative Hearings), FCHRC (Florida Commission on Human Relations), and HUD (Human and Urban Development). Our services within this practice area include:

- **Advice on phased developments**
- **Condominium documentation**
- **Warranty claims**
- **Arbitration or civil litigation of disputes**
- **Housing Discrimination**
- **Maintenance of property**

## Construction & Surety

The massive amounts of machinery, manpower and management needed to fuel new construction pose substantial threats to people, property and profit. For this reason, our Construction and Surety practice focuses exclusively on issues tied directly to building and the financing thereof. Over the years, our firm has represented major construction interests, both directly and through their insurers, in cost-effective investigation, defense and disposition of commercial and residential building construction-related risks and civil claims. We routinely handle issues involving:

- **Bodily and personal injury**
- **Property damage**
- **Project delay**
- **Contractual indemnity**
- **Engineering aspects**
- **OSHA penalty proceedings**

We are similarly experienced in representing developers, condominium associations, building contractors and insurance companies in the surety disputes that often arise during public and private construction projects. We have suc-

cessfully managed complex claims arising from defaulting contractors and failed construction projects as well as defaulting or terminated bonded contractors. Furthermore, our knowledge and extensive experience with litigating and trying all types of complex insurance claims provides us with powerful resources in our efforts to obtain favorable results for our clients in the practice of surety defense. We are also experienced in handling construction defect claims, mechanic's liens, preparation and review of subcontracts, insurance reviews and tenders.

## **Corporate, Transactional & Real Estate**

From private and public corporations to partnerships, other commercial enterprises and professional associations, appropriately defining and documenting the details of any and all business arrangements is vital to the long-term health of the organization. To this end, the attorneys in our Corporate, Transactional and Real Estate practice provide a wealth of services to formalize organizational structure, financing and compensation including:

- **Preparation of shareholder and voting trust agreements**
- **General and limited partnership agreements**
- **Joint ventures**
- **Consulting contracts**
- **Executive compensation packages**

Beyond that, we have extensive experience in both commercial and residential real estate transactions and have represented both buyers and sellers in this regard. From our deep familiarity with financing deals to our vast knowledge of foreclosure proceedings, we are perfectly positioned to handle the needs of real estate and corporate clients including litigating their adversarial matters and legal actions.

## **Directors and Officers**

Recognizing that a strong and respected management base is critical to the survival of a business, we are committed to providing the highest quality legal services in defense of our clients and their corporate officers. Our Corporate Litigation Group frequently represents high-level executives and directors in matters arising from alleged violations of fiduciary responsibilities and federal securities laws. Additionally, our attorneys advise clients with regard to officer and director indemnification and advancement arrangements as well as liability insurance coverage. Our vast experi-





ence in this distinct practice area has consistently enabled us to help our clients protect their reputations and maintain their good standing on both the individual and corporate levels.

## **Employment & Labor**

Legislation protecting workers in this country are truly a standard for which the world should take note. However, the truth is, these laws are also the source of frequent disputes between employers and employees. To accommodate the needs of our clients, our Employment and Labor practice specializes in helping employers and management negotiate labor disputes and structure their corporate procedures and policies to avoid potential litigation. Our attorneys have defended clients in all types of employment claims including discrimination cases, wage claims, corporate downsizing proceedings, union organization matters and collective bargaining agreements. We have also assisted clients in preparing and revising employee handbooks and written employment policies to conform to the many and varied laws affecting employment.

## **Environmental**

Our Environmental practice focuses on the representation of defendants in a variety of claims arising out of environmental or toxic tort matters including:

- **Toxic tort personal injury actions**
- **Environmental property damage claims**
- **Environmental remediations**
- **Insurance coverage disputes**

Our clients benefit from our extensive industry knowledge. They also receive support and assistance from our environmental and toxic tort specialists who help guide our clients through today's complex economic, regulatory and political climates.

## **Federal Practice**

Given their usual complexity, federal claims require seasoned professionals with the unique ability to communicate effectively and persuasively in writing and experience to navigate the complex and dynamic procedural rules in federal court. Our lawyers have vast experience tackling the intricate common law and statutory claims typically brought in federal court including issues related to ADA, civil rights, Fair Housing Act, racial and sex discrimination, Fair Labor Standards Act, ERISA, and the Equal Employment Opportunity Commission. Furthermore, we have defended clients in numerous class action suits including those involving securities fraud, community association contract disputes and housing discrimination charges.

## **General Civil Litigation**

All of our attorneys have substantial litigation experience and as a firm we are capable of responding aggressively and competently in cases ranging from basic slip-and-fall claims to billion dollar asbestos insurance coverage disputes. We are also committed to the appropriate use of Alternative Dispute Resolution methods. Arbitration, traditional and innovative mediation, and court-assisted settlement conferences are just some of the strategies we can and will employ to help our clients achieve the resolution they are looking for in the most efficient and cost-effective manner possible.

## **Insurance Coverage & Carrier Representation**

Advising and representing national insurance and reinsurance companies in coverage disputes has been a mainstay of our firm for a number of years. We have many long-term relationships in the industry and vast experience dealing with issues of policy coverage, interpretation, and exclusions for both broad-based policies, such as umbrella coverage and comprehensive general liability. We represent many clients on a statewide basis and in many instances we are principal or primary counsel for carriers in matters throughout the country.





Our attorneys also are knowledgeable about many specific coverage areas, including general liability, homeowners, and automobile policies, and we offer an array of expertise in the following:

- **Policy coverage, interpretation, and exclusions**
- **Errors and omissions**
- **Life, health and accident claims**
- **Property claims**
- **Professional liability and environmental impairment**
- **Rendering coverage opinions**
- **Filing and defending declaratory judgments, and**
- **Defending bad faith and other direct contract actions**
- **Policies for professional and corporate clients, and directors and officers**

## **Intellectual Property**

Intellectual property and its “ownership” by an organization are often at the center of many large and small corporate lawsuits. To properly protect our clients’ intellectual property rights or to defend them from charges of violating the rights of others, our experienced team of attorneys combines legal acumen with litigation skill and focused fact-finding to handle even the largest cases. Our diverse skill set and experience with intellectual property law enables us to assist businesses in a wide array of matters including:

- **Trademark, copyright and patent infringement**
- **Trademark monitoring**
- **False advertising**
- **Infringement of the rights of publicity**
- **Internet domain disputes**

## **Nursing Home\Health Care**

Defense of the nursing home and long-term care industry has been a back bone of Cole, Scott & Kissane. Through the defense of hundreds of cases, both in court and through arbitration, our specialized department has come to learn that disputes involving the care of the elderly and infirm are highly emotional and sensitive matters that require a vigorous defense balanced with compassion and

goodwill. Our experienced attorneys are assisted by nurse paralegals to protect the interests of long-term care nursing centers, ALFs, adult daycare and specialized disabled care facilities.

## **Premises Liability**

Unfortunately, accidents and incidents happen and when they do, property owners or lessees need to fully understand the potential legal ramifications and what they can do to protect their interests. Whether the property is commercial or residential, our attorneys are experienced at successfully managing claims involving slip and fall accidents, negligent security, drownings, and other negligent or intentional acts.

## **Product Liability**

Product liability is truly a specialized field with a variety of issues and nuances that are underappreciated by those who do not practice in the area exclusively. Our Product Liability team has extensive experience working on behalf of insurers, manufacturers and distributors to defend product liability actions for a broad variety of manufactured goods. Our services in this regard include:

- **Litigation**
- **Oversight**
- **Coordination of suits**

## **Professional Malpractice**

Each year, hundreds of thousands of plaintiffs seek damages from professionals whose work, practices and results they question or deny. To defend and protect the rights of attorneys, accountants, realtors, physicians, nurses, dentists and other health practitioners, our Professional Malpractice attorneys blend extensive experience with a personalized approach to legal representation.

Even more importantly, our experience defending malpractice claims extends beyond the courtroom, perfectly positioning us to manage cases of this type. Our attorneys frequently speak to professional associations on behalf of national insurance clients and we have also drafted and authored numerous practice guides and loss-prevention manuals documenting malpractice issues.





## **Securities**

Due to the high level of regulation and scrutiny attached to these unique financial transactions, our Securities Litigation practice is often called on to represent clients nationwide, in matters arising from broker-dealer claims and a variety of other securities-related issues. Our attorneys regularly defend securities firms and their officers, directors, registered representatives, employees/agents and associated persons in arbitrations before the NASD, NYSE, and AMEX, as well as civil lawsuits before federal and state courts.

## **Vehicle Negligence**

Over the years, our attorneys have handled thousands of vehicle negligence claims on behalf of insurers, self-insured rental car agencies, trucking companies and other transportation organizations. From the most serious cases to relatively minor incidents to underinsured and uninsured claims of a first-party variety, our Vehicle Negligence practice group is ideally suited to effectively manage cases of all types to verdict or arbitration award.

## **Workers' Compensation**

Workers' Compensation claims require a high degree of familiarity with the law and timely and effective communication with all parties involved to achieve the best results. For that reason, the attorneys in our Workers' Compensation practice are extremely adept at working together with our clients to properly define case exposure and settlement values, strategic steps to be taken, and well-developed litigation goals. Our experience defending employers and insurance carriers in both administrative proceedings and the appellate courts, gives us a litigation edge and makes our firm a unique resource in defending job-related claims. Additionally, our attorneys regularly conduct seminars and workshops for our clients, providing them insight into this rapidly changing and dynamic area of the law and strategies to protect themselves against potential legal actions in the future.



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