



## Adam M. Foslid

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**Adam is an experienced, high-stakes, bet-the-company litigator whose practice focuses on representing clients in complex commercial, business, class action, and product liability disputes in federal and state courts throughout the United States and before domestic and international arbitration panels.**

<b>Services</b>	Complex Commercial Litigation, Class Actions, International Arbitration, Real Estate, Securities Litigation, Corporate Governance, Product Liability & Mass Torts, Compliance Programs, Unfair Competition, Restrictive Covenants & Trade Secrets, White Collar, Regulatory Defense & Investigations
<b>Sectors</b>	Health Care & Life Sciences, Consumer Products, Real Estate, Media & Entertainment, Technology, New Media & Telecommunications, Financial Services & Banking
<b>Admissions</b>	Florida
<b>Court Admissions</b>	Southern District of Florida, Middle District of Florida, Northern District of Florida, USCA - 11th Circuit, USCA – 2nd Circuit, U.S. Supreme Court
<b>Education</b>	George Washington University, JD, 2003 George Washington University, LLM, 2004 University of Florida, BA, 2000

Adam M. Foslid is a litigation partner who concentrates his practice on complex commercial, business, class action, and product liability litigation in federal and state courts throughout the United States and before domestic and international arbitration panels. He represents clients in a wide array of disputes involving commercial transactions, breaches of contract, business torts, fraud, deceptive and unfair trade practices, federal and state consumer protection statutes, fiduciary relationships, mergers and acquisitions, banking, insurance, partnerships, real estate deals, construction defects, corporate governance, medical devices, consumer and building products, and claims of serious personal injury and wrongful death. Adam is also experienced representing clients in internal investigations, regulatory and enforcement actions, and compliance reviews.

Adam is a Fellow of the American Bar Association and has been recognized in *The Best Lawyers in America*, listed in *The Legal 500 United States*, named a Most Effective Lawyer for Class Action Litigation, and, prior to that, a “Rising Star” by *Florida Super Lawyers*, and “Legal Elite” by *Florida Trend*. He is also ranked by *Chambers USA*, where clients describe him as a “great attorney” and “consummate professional, zealously advocating,” exhibiting a “keen sense of both strategic and tactical consideration,” and being “extremely cognizant of the facts, legal and practical issues, and dynamics pertinent to each case.”

Adam serves as a gubernatorially-appointed Commissioner on the nine-member Judicial Nominating Commission, responsible for selecting judicial candidates for appointment to the Third District Court of Appeals. He was also appointed to serve on the Eleventh Judicial Circuit Court Professionalism Panel to resolve professionalism complaints against attorneys practicing in Miami-Dade County. Adam also maintains an active pro bono practice.

## **Experience**

*Some of the experience represented below may have been handled at a previous firm.*

### **Complex Commercial and Business, Banking and Financial Services, and Shareholder Derivative, Securities, and Corporate Governance Litigation**

- Defended numerous corporate clients, banks, and financial institutions in a wide array of disputes involving commercial transactions, breaches of contract, business torts, fraud, deceptive and unfair trade practices, fiduciary relationships, mergers and acquisitions, banking, insurance, partnerships, and corporate governance.
- Successfully defended a series of health care clinics in connection with claims involving tens of millions of dollars of alleged damages brought by various insurers under the federal Racketeering Influenced and Corrupt Organizations (RICO) Act and the Florida Deceptive and Unfair Trade Practices Act (FDUTPA).
- First-chaired final hearing resulting in a favorable arbitral award for a global food processing and commodities trading corporation in an international arbitration against its former executives and consultants for breaching various confidentiality obligations.
- Successfully resolved fraud-based and securities claims brought against a large financial institution accused of aiding and abetting a billion-dollar Ponzi scheme involving viaticated insurance policies and administered the disbursement of tens of millions of dollars of escrowed funds on behalf of that financial institution in conjunction with an SEC Receivership.
- Obtained dismissal of a lawsuit filed against a pharmaceutical company and its officers and directors by the company's minority shareholders seeking to, among other things, enjoin a proposed merger valued at hundreds of millions of dollars.
- Represented minority shareholders of an international medical services corporation against the company's then chief executive officer and directors, challenging the election of the management slate of directors following a proxy fight.
- Successfully defended an investment advising firm in suits brought by former clients alleging breaches of fiduciary duty, fraud, and negligence relating to investment portfolio recommendations and sales of private placement securities.
- Represented a prominent nightclub impresario in connection with a partnership dispute concerning the failed development and operation of a high-end club in Miami Beach.
- Successfully defended and obtained the dismissal of all claims against an individual employee and investor in a well-publicized partnership dispute in Virginia involving a co-working and real estate service company.
- Representing an insurance brokerage firm in a series of cases seeking millions of dollars in alleged damages for alleged violations of, among other things, RICO and FDUTPA.
- Represented a Central American bank buyer in connection with various indemnity claims against an international bank seller.
- Successfully represented an AMLaw 50 firm against an effort to disqualify the firm from its representation of a client in a RICO case for alleged violations of the Florida Bar Rules.

### **Class Action, Mass Tort, and Product Liability Litigation**

- Defended and obtained dismissal with prejudice of all claims against an HVAC manufacturer in a putative nationwide class action case based on allegations that the subject heating product is unreasonably dangerous, unfit for its intended use, and not compliant with applicable safety standards.
- Obtained dismissal and ultimately favorably resolved claims against a building product manufacturer in a putative class action lawsuit brought by consumers and contractors involving, among others, claims of breach of express warranty, breach of implied warranty of merchantability, breach of applicable state consumer protection statutes, and unjust enrichment.
- Defended a national homebuilder in a putative class action asserting construction defect claims involving a planned community's drainage system and successfully compelled all claims to arbitration resulting in the abandonment of the claims.
- Successfully represented various homebuilders in putative class action lawsuits involving allegedly defective Chinese-manufactured drywall and led the Homebuilders Steering Committee in the multi-district litigation styled *In Re Chinese Manufactured Drywall Product Liability Litigation*, MDL No. 2047.
- Defeated class certification and successfully resolved putative nationwide class action lawsuits filed against an air conditioning manufacturer throughout the United States based on allegations that the subject air conditioning units contained defective copper evaporator coils.
- Obtained dismissal of various putative class action lawsuits against the former Miami City Manager brought on behalf of municipal employees alleging claims of, among others, breach of fiduciary duty and negligence.
- Acted as lead counsel for a global medical device manufacturer and favorably resolved a breach of contract and product liability lawsuit against several hospitals.

#### **Real Estate and Construction Litigation**

- Defended homebuilders, developers, and title companies in countless pre-suit claims, lawsuits, and arbitrations involving, among other things, allegations of alleged construction defects, Fair Housing Act violations, condominium rescission claims, disputes over purchase and sale agreements, brokerage commissions, real estate development contracts, and numerous investor-group transactions.
- Defended a national homebuilder and title company against various fraud-based claims asserted by the liquidating trustee of a defunct mortgage company and the receiver of a failed bank arising from the sales of certain single-family homes and condominium units.
- Filed and successfully settled an arbitration claim on behalf of a developer arising from a series of land banking agreements worth tens of millions of dollars.
- Defended and successfully resolved a real estate investment trust in a multi-million-dollar brokerage commission dispute brought by a commercial real estate firm arising from a REIT's acquisition of several industrial properties.
- Successfully represented a global real estate asset manager in a multimillion-dollar partnership dispute concerning the management of a joint venture to develop and operate an apartment community in Central Florida.
- Represented a developer in successfully resolving a partnership dispute concerning the proposed development of a charter school in Central Florida.
- Successfully resolved claims on behalf of a homeowner in construction defect lawsuit involving the \$30+ million renovation of a historic Miami Beach residence.

#### **Internal Investigations, Regulatory and Enforcement Actions, and Compliance Reviews**

- Assisted a subsidiary of a Fortune 100 company with a comprehensive risk assessment and compliance program in connection with its international business.

- Conducted various internal investigations for public and private companies in connection with, among other things, the Foreign Corrupt Practices Act, Office of Foreign Asset Control (OFAC) sanctions, initial public offerings, IT security issues, accounting and financial reporting issues, as well as allegations of mortgage fraud, construction defects, health care fraud, and claims of serious personal injury and wrongful death.
- Represented numerous public and private companies in sensitive federal, state and regulatory investigations and enforcement actions involving, among other things, alleged mortgage fraud, illegal campaign contributions, public corruption, and government contracts issues.

### **Pro Bono**

- Representing a private school in a First Amendment challenge to a state actor's viewpoint-based denial of the school's request to deliver a religious message over the public-address system prior to a state championship football game.
- Successfully resolved a Fair Housing Act complaint on behalf of an individual who was denied, on the basis of religion, equal access to the common areas of her condominium building to host a women's study group.
- Filed amicus briefs, first on behalf of legendary college football coach Bobby Bowden, and then on behalf of college football coach Tommy Bowden, in support of assistant high school football coach, Joe Kennedy, in connection with his Constitutional claims against the public school district that wrongfully fired him for taking a knee and praying silently on the field following games he coached.

### **Honors & Awards**

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- Ranked, *Chambers USA*, Commercial Litigation, 2021-2022
- Listed, *The Best Lawyers in America*, Commercial Litigation, 2015-2020
- Listed, *Florida Super Lawyers*
- "Super Lawyer," 2020-2022
- "Rising Star," 2009-2011 and 2013-2016
- Listed, *The Legal 500 U.S.*, 2016
- Listed, *Daily Business Review*, Most Effective Lawyers – Class Action, 2016
- Listed, *Florida Trend* magazine, "Legal Elite," 2007, 2020-2022

### **Activities**

- Commissioner (and former Chair and Vice Chair), Third District Court of Appeal, Florida Judicial Nominating Commission (appointed by Governors Rick Scott and Ron DeSantis)
- Panel Member, Eleventh Circuit Professionalism Panel (appointed by Chief Judge Bertila Soto)
- Past Board Member, Habitat for Humanity of Greater Miami, Board of Directors
- Past Board Member, The First Tee of Miami Foundation, Board of Directors
- Past Board Member, The George Washington University Law School, Board of Advisors
- Volunteer Lawyer, First Liberty Institute
- Big Brother Mentor, Big Brothers Big Sisters of Greater Miami, School to Work Program

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- Member, The Federalist Society for Law & Public Policy Studies
  - Member, International Bar Association
  - Fellow, American Bar Association
  - Member, Federal Bar Association, South Florida Chapter
  - Member, Dade County Bar Association
  - Former Trustee, Miami Music Association/Cleveland Orchestra Miami
  - Former Member, United Way of Miami-Dade, Leadership Circle

### **Credentials**

Adam received his B.A., with honors, from the University of Florida in 2000. He received his J.D., with honors in 2003, and his LL.M., Litigation and Dispute Resolution, with highest honors in 2004, from The George Washington University Law School.