

LAWRENCE A. KELLOGG

FOUNDING PARTNER



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PRACTICE AREAS

Complex commercial litigation
Securities and class action litigation
Professional liability litigation
Probate litigation
Bankruptcy litigation

Lawrence A. Kellogg is a founding partner who focuses his practice on complex litigation matters in State, Federal, and Bankruptcy Courts, as well as arbitration forums, throughout Florida and the United States.

AREAS OF EXPERIENCE

Litigation for Plaintiffs and Defendants, including securities, class actions, fraud, mortgage fraud, Florida Deceptive and Unfair Trade Practices Act, employment law, eminent domain, inverse condemnation, contracts, business torts, RICO, antitrust, probate, wills and trusts, tax, partnerships, fiduciary duty, corporate governance, fraudulent transfers, trademarks, unfair competition, Lanham Act, trade secrets, non-compete agreements, impact fees, banking, letters of credit, bankruptcy, lender liability, defamation, First Amendment, trust accounting, conversion, malicious prosecution, usury, products liability, legal malpractice, complex jurisdictional issues, ERISA; retirement benefits, Telephone Consumer Protection Act ("TCPA"), Supplementary Proceedings, alter ego and successor liability.

AWARDS AND RECOGNITIONS

- Notes and Articles Editor of The Florida State University Law Review and instructor of legal writing and research at Florida State University.
- Named one of the Best Lawyers in America in the areas of Bet the Company Litigation, Commercial Litigation, Probate Litigation, Bankruptcy Litigation, Securities Litigation
- Named Best Lawyers' 2014 Miami Litigation: Securities "Lawyer of the Year."
- Named one of the Top Lawyers in South Florida by South Florida Legal Guide.
- Named Best Lawyers Litigation – Trusts & Estates 2020 "Lawyer of the Year."
- Named by peers in Florida Trend Magazine as one of Florida's Legal Elite.
- Nominated Most Effective Lawyers in the South Florida Daily Business Review.
- Martindale-Hubbell Rated "AV Preeminent."
- Named a Florida Super Lawyer.
- Recipient of South Florida Business Journal Key Partner Award.

SIGNIFICANT REPRESENTATIONS

- **The Walt Disney Company and affiliates** - Represented the Walt Disney Company in various commercial and trademark matters.
- **ABC, Inc.** - Acted as lead counsel for ABC in a multi-million dollar dispute in Federal Court regarding an international partnership for the provision of cable television programming in Spain and Portugal.
- **UBS Financial Services, Inc.** - Represented UBS in a number of matters in arbitration and Federal court actions.
- **UBS, S.A.** - Represented UBS, S.A. in several matters, including defense of fraudulent conveyance action and bank secrecy matter under international law.
- **Huntington Bancshares, Inc.** - Lead trial counsel for Huntington Bancshares and Huntington Federal Savings and Loan Association in defending a \$30 million lender liability action tried before a jury.
- **NationsBank** - Acted as co-trial counsel for NationsBank in a complex commercial mortgage foreclosure action and a substantial lender liability counterclaim, involving more than \$10 million.
- **Barnett Brokerage Services** - Represented, Barnett Brokerage Services in connection with a complex letter of credit issue.
- **Procter & Gamble** - Represented Procter & Gamble in matters pending in the United States District Court for the Southern District of Florida, and in the United States Bankruptcy Court for the Southern District of Florida.
- **Altadis U.S.A., Altadis, S.A., and Consolidated Cigar Holdings, Inc.** - Represented Altadis, S.A., and two of its United States subsidiaries in a case brought by General Cigar Holdings, Inc. alleging Federal and Florida antitrust claims, trademark disparagement, unfair competition, and deceptive trade practices.
- **Hugh F. Culverhouse Trust Litigation** - Lead trial counsel for Mrs. Hugh Culverhouse in litigation involving the Hugh F. Culverhouse Trust, the former owner of the Tampa Bay Buccaneers. Litigated several cases in Circuit Court in Tampa, Florida arising from the Trust. Mrs. Culverhouse successfully obtained judgments, subsequently collected as part of a global resolution, of \$11.5 million and \$25 million. Mr. Kellogg has represented the Culverhouse family and Culverhouse controlled entities in other complex cases.
- **Robert F. Irsay Trust Litigation** - Represented Nancy Irsay, the wife of Indianapolis Colts owner, Robert Irsay, in litigation in Indiana and Illinois with the Trustees of the Robert F. Irsay Trust and the Robert F. Irsay probate estate.
- **Cash 4 Titles Class Action** - Represented class plaintiffs in a RICO class action filed in the United States District Court for the Southern District of Florida. The case was settled for over \$67.5 million, which approached 50% of the class losses.
- **Arbitrations** - Served as a neutral American Arbitration Association arbitrator in a \$30 million dispute between several Broward County cities and a waste disposal company.
- **Amerifirst Securities Litigation** - Defended the three most senior officers and directors of a major failed Florida Savings and Loan Association who were sued in numerous Federal Class Actions and by the RTC for Federal Securities violations. These individuals were also the subject of a parallel proceeding by the Office of Thrift Supervision.

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SIGNIFICANT REPRESENTATIONS CONT.

- **Orion Bank Litigation** – Defended former Directors of failed bank in class action brought by shareholders under ERISA in the middle District of Florida. The Trial Court entered summary judgment in favor of clients. Defended clients and resolved action brought against Directors of the FDIC as Receiver.
- **First State Bank Litigation** – Defended former officers of failed bank in action brought by the FDIC as Receiver, and successfully resolved the litigation.
- **Riverside Bank Litigation** – Defended former officer of failed bank in action brought by the FDIC as Receiver, and successfully resolved the litigation.
- **ESM Government Securities Litigation** - Represented receiver for a failed brokerage house, in prosecuting a fraudulent transfer action involving reverse repurchase transactions arising out of a \$300 million securities fraud. After a several week jury trial, the jury returned a verdict in the client's favor in excess of \$25 million. Successful prosecution of the case required extensive analysis of complex economic issues and subsequent lay translation for the jury.
- **United Broadcasting Corp.** - Lead trial counsel in an action brought by a Spanish language television station against a cable operator arising from a dispute over the renewal of a contract to carry the television station on cable systems in Florida. After a jury verdict in favor of Mr. Kellogg's client, the trial court issued a mandatory injunction compelling the cable system to carry the station's signal.
- **FPA Securities Litigation** - Represented, along with other members of the Firm, a former director of a public company in defense of various class and mass actions alleging violations of the securities laws.
- **Muscletech Research and Development Class Action Litigation** - Co-lead counsel in defending a class action against a dietary supplement manufacturer alleging violations of Florida's Deceptive and Unfair Trade Practices Act, and other claims. After an evidentiary hearing, a West Palm Beach Circuit Court denied class certification, and the Fourth District Court of Appeal affirmed.
- **Smuckers Class Action Litigation** - Represented Smuckers, Inc. in three class actions in Florida, alleging violations of Florida's Deceptive and Unfair Trade Practices Act, and other claims.
- **Preferred Employers Holdings, Inc.** - Successfully defended Preferred Employers Holdings, Inc. and others in a multi-million dollar action brought by its former president and general counsel.
- **Leadenhall Bank and Trust Co. Class Action Litigation** - Co-lead counsel in a plaintiffs' class action, alleging violations of RICO against a Bahamian bank. Obtained \$110 million judgment.
- **Legal Malpractice Representation** – Has represented plaintiffs and defendants in numerous multi-million dollar actions alleging legal malpractice.
- **Fidelity National Title Insurance Company** - Represents national title insurance carrier in several complex mortgage fraud schemes throughout the State of Florida.
- **EFG Capital International and EFG Bank** - Represented a class of customers of EFG seeking to recover losses arising from a Ponzi scheme conducted by Bernard L. Madoff. The action was settled and approved by the U.S. District Court for the Southern District of New York.
- **Leader Trade Solutions** – Represented client and resolved multi-million dollar dispute with Dell Computer.
- **Trust Litigation** - Represented beneficiaries of Trust and Estate in complex dispute with Trustees and Personal Representatives.
- **DeGeorge Probate Litigation** - Represented Co-Trustee and beneficiary of multi-million dollar estate in dispute with Co-Trustee and beneficiary.
- **Stadium Jumping Litigation** - Represented landowners in multi-million dollar lawsuit arising from purchase of acreage in Village of Wellington.
- **Trade Secret Litigation** - Represents various internet-based clients in matters involving thefts of trade secrets and violations of non-compete agreements.
- Represented Caribbean bank in connection with multi-million dollars disputes with a business partner.
- **Primerica Mass Litigation** – Acted as co-counsel for over 200 State of Florida Employees in litigation regarding retirement and pension benefits.
- **American Residential Equities Litigation** – Represents clients in Federal and State actions in Florida, California and Nevada to enforce judgments totaling more than \$20 million. Obtained judgment for more than \$20 million after trial in Nevada District Court.
- **Brain Balance Franchising LLC** – Represented defendant in a class action brought under the Telephone Consumer Protection Act regarding purported "junk faxes". The Federal District Court denied class certification.
- **Supplementary Proceedings** – Has instituted several supplementary proceedings designed to collect multi-million dollar judgments on behalf of clients.
- **Expert Testimony** – Has testified as an expert witness on various legal issues.
- **Cornerstone Litigation** – Has represented real estate developer in several matters, including employment, partnership, and insurance coverage litigation.

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BAR AND COURT ADMISSIONS

- Florida
- United States Court of Appeals, Eleventh Circuit
- United States Supreme Court

EDUCATION

- University of Illinois (B.A., 1977)
- Florida State University College of Law (J.D., *cum laude* 1981)
(Articles Editor of the Florida State University Law Review (1980))
(Instructor of legal writing and research (1980-81))

PROFESSIONAL AND COMMUNITY INVOLVEMENT

- The Florida Bar, Member
- American Bar Association, Member
- Past Chairman, Board of Visitors, The Florida State University School of Law
- The New World Symphony Community Board (Former Member)



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