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PRACTICE AREAS

Complex Commercial Litigation
Business Torts
Class Actions
Construction Law

Jason Kellogg practices complex commercial litigation in federal and state trial and appellate courts, and before arbitral panels. Mr. Kellogg represents individuals and business entities in, among other matters, commercial contract and business torts disputes, class actions, construction litigation and securities litigation. Jason has been ranked by Chambers USA and has received a Preeminent AV Peer Review Rating from Martindale Hubble.

AREAS OF EXPERIENCE

- Complex Commercial Litigation
- Business Torts
- Class Actions
- Construction Law

AWARDS AND RECOGNITIONS

- Chambers USA, Ranked
- Martindale Hubble, AV Rating
- Florida Super Lawyers, 2017-21, Rising Stars, 2009-15
- Listed in the South Florida Legal Guide, as a top lawyer in South Florida, 2013 – 2021
- Florida Trend Magazine, Florida Legal Elite, 2016, 2018; "Up and Comer," 2007 and 2009
- Benchmark Litigation Guide, Future Stars in Florida, 2009
- Revista Abogados, Abogados Destacados del Sur de la Florida, 2013
- Daily Business Review, "Rising Stars," 2015
- Cystic Fibrosis Foundation "40 Under 40 Outstanding Lawyers of South Florida," 2015

SIGNIFICANT REPRESENTATIONS

- Represented class of small business retirement plans in ERISA breach of fiduciary duty class action against broker dealer. Obtained favorable \$25 million settlement, with class members receiving 177% of their out-of-pocket losses after deduction of attorneys' fees and expenses.
- Achieved certification of a 220,000-member class in a RICO and aiding and abetting case brought on behalf of consumers against a health technology company.
- Represented investors in action against large national brokerage company alleging breach of good faith and fair dealing arising out of liquidation of investor margin accounts during the stock market "VIXocalypse" in February 2018.
- Obtained \$3.2 million judgment after two-week trial in case brought by condominium developer against former general contractor.
- Represented class of Latin American investors in class action against Swiss bank and its Miami-based brokerage over losses incurred in Madoff Ponzi scheme. Obtained favorable multimillion-dollar settlement (after deduction of attorneys' fees and expenses) in multidistrict litigation.
- After five-day federal jury trial, obtained defense verdict for client sued by former employer for discrimination and unpaid wages.
- Defended real estate investment company owner of 14 resorts against Fair and Accurate Credit Transactions Act (FACTA) class action. With co-counsel, defeated plaintiff's bid for class certification and obtained favorable settlement.
- Obtained summary judgment and awarded \$4.3 million final judgment on behalf of specialty financial services firm on its breach of guaranty claim against wealthy Costa Rican businessman.
- Defended former directors and officers of community banks in negligence actions brought by the FDIC. Obtained favorable settlements.
- Represented national title company in claims against developer related to the failure of the Fontainebleau Las Vegas resort.
- Obtained dismissal on jurisdictional grounds of lawsuit brought by Florida-based importer of furniture for large, national restaurant chain.
- Represented honey consumers against several major retailers and their honey suppliers alleging violations of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA). Lawsuits led to relabeling of honey products.
- Represented life insurance beneficiary in dispute with policy owner over distribution of proceeds of a seven figure life insurance policy.
- Brought business tort claims and obtained seven-figure settlement (after deduction of attorneys' fees and expenses) on behalf of international trade and factoring business against Fortune 100 company.
- Represented Florida resident defending creditor's action to enforce an \$11 million out-of-country foreign money judgment.
- Secured dismissal of ERISA claims leveled at directors of one of Florida's largest privately held community banks.
- Devoted hundreds of hours to pro bono work, representing a former Intelligence Research Specialist in an employment discrimination and disability lawsuit against the Department of Homeland Security. After a five-day trial in federal court, the jury returned a verdict of \$2.5 million (subsequently remitted), the largest verdict ever obtained in a "Volunteer Lawyers Project" case.
- On behalf of a national radio station company, brought an action for specific performance in federal court to enforce the sale of a radio station in Ft. Walton Beach, Fla. After uncovering e-mails showing that the seller had breached a contractual No-Shop provision by negotiating with the client's main competitor in the market, obtained a preliminary injunction enjoining the seller from selling the station to any other party. When the seller filed for bankruptcy, obtained a ruling that the bankruptcy was filed in bad-faith. In the District Court, obtained summary judgment and "ultimate sanctions" – a default judgment against the seller and an award of attorney's fees. Following a trial on damages, the court granted the client 100 percent of the relief it sought, including lost profit damages and attorneys' fees totaling more than \$3 million, and a commensurate reduction in the purchase price of the radio station.
- Represented general contractor in numerous state court disputes with private and public owners, subcontractors and suppliers involving construction-related claims.
- Represented investor groups seeking the return of their condominium deposits in a federal court lawsuit against a developer involving Interstate Land Sales Full Disclosure Act claims.
- Represented a Spanish multinational company in dispute with parties from whom it acquired a South Florida-based firm.

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BAR AND COURT ADMISSIONS

- Florida
- United States District Court for the Southern District of Florida
- United States District Court for the Middle District of Florida
- United States District Court for the Northern District of Florida
- United States Second Circuit Court of Appeals
- United States Eleventh Circuit Court of Appeals

EDUCATION

- Northwestern University (B.S., 1997)
- Florida State University College of Law (J.D. 2002, with honors)

PUBLISHED WORK

- Editor-in-chief, Volume 29 of the Florida State University Law Review, which featured a 705-page issue on Bush v. Gore.
- Editor, "Decisions Interpreting Florida's Rules of Class Action Procedure," A.B.A. Surv. of State Class Action Law (2004-17 eds).
- Author, "Election 2016 and the Water Cooler," National Journal (April 11, 2016).
- Author, "Top 5 Developments in Florida Law That Developers Should Know," Daily Business Review (Oct. 14, 2015).
- Author, "Bill Would Protect Condo Owners Against Bulk Buying Abuse," Daily Business Review (May 13, 2015).
- Author, "Adaptable Construction Lawyers Bank in Demand," Daily Business Review (July 7, 2014).
- Author, "How to Catch a Mobster (or a CEO) - Using the Walsh Act to Subpoena U.S. Citizens Abroad," Int'l L.Q. (Summer 2010)
- Co-editor, "Confusion of Source," ABA Business Torts Litigation Model Jury Instructions Ch. 4 (4th ed. 2005).
- Co-author, "Admissibility of Expert Testimony: Fifty-State and Federal Court Survey of Standards Governing Admissibility of Expert Testimony," ABA Com. and Bus. Litig. J. (Fall 2003).
- Author, "D'Oench Lives, But for How Long?: The Eleventh Circuit Breathes Life Into an Ailing Banking Doctrine," 30 Fla. St. U. L. Rev. 167 (2002).

RECENT CASES

- Belin v. Health Ins. Innovations, Inc., 337 F.R.D. 544 (S.D. Fla. 2021).
- Lemos v. Sessa, — So. 3d —, 2021 WL 1201428 (Fla. 3d DCA March 31, 2021).
- In re Woodbridge Inv. Litig., No. 18-103-DMG, 2020 WL 4529739 (Aug. 5, 2020).
- Leader Global Solutions LLC v. Yankelewitz, 283 F. Supp. 3d 1314, (S.D. Fla. 2017), aff'd, 762 Fed. Appx. 629 (2019).
- Bouton v. Ocean Props., Ltd., 322 F.R.D. 683 (S.D. Fla. 2017).
- Restrepo v. Int'l Vapor Group, Inc., 2017 WL 2361942 (S.D. Fla. May 26, 2017).
- Focus Mgmt. Group, Inc. v. King, 171 F. Supp. 3d 1291 (M.D. Fla. 2016).
- Leader Global Solutions, LLC v. Tradeco Infraestructura, S.A. de C.V., 155 F. Supp. 3d 1310 (S.D. Fla. 2016).
- Culverhouse v. Paulson & Co., 791 F.3d 1278 (11th Cir. 2015).
- Blackwood Indus., Inc. v. Trinh Thien Co. Ltd., 158 So. 3d 601 (Fla. 5th DCA 2015).
- Guerrero v. Target Corp., 889 F. Supp. 2d 1348 (S.D. Fla. 2012).
- Smith v. Williams, 819 F. Supp. 2d 1264 (M.D. Fla. 2011).
- Ben-Ezra and Katz, P.A. v. Fed. Nat'l Mort. Ass'n, 2011 WL 5138796 (Fla. 4th DCA Oct. 26, 2011).
- Quantum Communications Corp. v. Star Broad., Inc., 491 F. Supp. 2d 1123 (S.D. Fla. 2007).
- Quantum Communications Corp. v. Star Broad., Inc., 473 F. Supp. 2d 1249 (S.D. Fla. 2007).

SPEAKING ENGAGEMENTS

- "The Consultant's Liability for Defects of the Building," Association Internationale des Jeunes Avocats (AIJA) Seminar on Property Developers, Architects, Civil Engineers. Contractual Questions, Environmental Challenges and Current Trends, Limassol, Cyprus (October 20, 2019).
- "Increasing Your Business's Bottom Line and Creating Economic Stability in Our Community," Legal Services of Greater Miami Inc. Community Outreach Initiative (January 18, 2018).
- "Litigating or Arbitrating a Construction Project With a State – Some War Stories," Association Internationale des Jeunes Avocats (AIJA) Seminar on Government Contracts — Public Procurement and the Law, Lausanne, Switzerland (April 8, 2017).



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