



# ADAM M. FOSLID

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**Adam M. Foslid** 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. Adam 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, including the Telephone Consumer Protection Act, 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 public and private clients in internal investigations, regulatory and enforcement actions, and compliance reviews in connection with, among other things, the Foreign Corrupt Practices Act, initial public offerings, IT security issues, accounting and financial reporting issues, campaign contributions, allegations of public corruption, state and federal government contracts, construction defects, and allegations of mortgage and health care fraud.

Prior to joining Stumphauzer Foslid Sloman Ross & Kolaya, Adam was a Principal Shareholder at the international law firm of Greenberg Traurig where he chaired the fifty-member Miami Litigation Department, served as the Miami Co-Hiring Shareholder, and led the office's associate career development program. 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.

Adam serves as a Commissioner, appointed by former Governor Scott, on the nine-member Judicial Nominating Commission that selects judicial candidates for gubernatorial appointment to the Third District Court of Appeals. He was also appointed by Chief Judge Bertila Soto to serve on the Eleventh Judicial Circuit Court Professionalism Panel that adjudicates professionalism complaints against attorneys practicing in Miami-Dade County. Additionally, Adam serves on the Boards of Habitat for Humanity of Greater Miami, The First Tee of Miami Foundation, and The George Washington University Law School, and maintains an active pro bono practice.

## CONCENTRATIONS

- Complex commercial and business litigation
- Class action litigation
- Cross-border disputes and international arbitration
- Real estate and construction litigation
- Banking and financial services litigation
- Shareholder derivative, securities, and corporate governance litigation

- Mass tort and product liability litigation
- Internal investigations, regulatory and enforcement actions, and compliance reviews

## EXPERIENCE

### **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.
- 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.

## 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 representing 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, 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 the 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 charter school in South 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, initial public offerings, IT security issues, accounting and financial reporting issues, allegations of mortgage fraud, construction defects, alleged 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 Christian school's Constitutional challenge to a state actor's viewpoint-based denial of the school's request to pray over the public-address system prior to a state championship football game.
- Pursuing 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 bible study group.
- Filed an amicus brief on behalf of legendary college football coach Bobby Bowden in support of a cert petition brought by football coach, Joe Kennedy, in connection with his claim against the public school district that wrongfully fired him for taking a knee and praying silently on the field following games he coached.

## Clerkships and Internships

- Hon. Ricardo M. Urbina, U.S. District Court for the District of Columbia, 2003-2004
- U.S. Attorney's Office for the District of Columbia, 2002
- U.S. Department of Justice, Civil Division, 2001

## RECOGNITION & LEADERSHIP

### Awards & Accolades

- Listed, *The Best Lawyers in America*, Commercial Litigation, 2015-2020
- Listed, *The Legal 500 United States*, 2016
- Listed, *Florida Super Lawyers*, "Rising Star," 2009-2011 and 2013-2016
- Listed, *Daily Business Review*, Most Effective Lawyers – Class Action, 2016
- Listed, *Florida Trend* magazine, "Legal Elite," 2007

### Professional & Community Involvement

- Member, Third District Court of Appeal, Florida Judicial Nominating Commission (appointed by Governor Rick Scott)
- Panel Member, Eleventh Circuit Professionalism Panel (appointed by Chief Judge Bertila Soto)
- Board Member, Habitat for Humanity of Greater Miami, Board of Directors
- Board Member, The First Tee of Miami Foundation, Board of Directors
- 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
- 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

## **EDUCATION**

- LL.M., Litigation and Dispute Resolution, with highest honors, The George Washington University Law School, 2004
- J.D., with honors, The George Washington University Law School, 2003
- B.A., with honors, University of Florida, 2000

## **ADMISSIONS**

- Florida
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Northern District of Florida
- U.S. District Court for the Southern District of Florida
- Supreme Court of the United States