

Daniel P. Dietrich

Shareholder

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Practice & Industry Areas

- Business Litigation
- Class Action Defense
- Intellectual Property Litigation
- Securities Law & Corporate Governance

Education

- St. John's University, J.D., 2003
- University of Miami, M.B.A., 2000
- University of Florida, B.S., 1997

Bar & Court Admissions

- Florida, 2004
- New York, 2004
- New York State Courts, 2004
- Southern District of New York, 2005
- Eastern District of New York, 2005
- Florida State Courts, 2004
- Middle District of Florida, 2006
- Southern District of Florida, 2014
- Northern District of Florida, 2008
- 11th Circuit Court of Appeals, 2009
- Federal Circuit, 2016

Overview

Daniel P. Dietrich concentrates his practice in the areas of complex business and commercial litigation, class actions, intellectual property litigation, securities litigation and arbitration.

Dan represents representatives and broker-dealers in cases and arbitration matters involving claims for suitability, breach of fiduciary duty, control-person liability, U-5 defamation, restrictive covenants, expungement of records, issues relating to the Protocol for Broker Recruiting, and other securities-related matters. Dan also represents individuals and representatives in connection with the Financial Industry Regulatory Authority (FINRA) inquiries and investigations, as well as Securities and Exchange Commission, Office of Financial Regulation, Attorney General, and other regulatory investigations. Dan is also experienced in representing individuals and businesses in various business litigation matters including contract and partnership disputes, general corporate litigation matters, as well as in class action matters.

Raised in Jacksonville, Florida, Dan graduated with a degree in business administration from the University of Florida and an M.B.A. from the University of Miami. He was a registered representative in Clearwater, Florida holding both his Series 7 and 63 licenses for the sale of securities. He later worked in the research department at Raymond James Financial. Dan serves as an arbitrator for FINRA.

While attending law school at St. John's University in New York, he was the editor-in-chief of the *New York International Law Review*.

Representative Matters

- Represented an investor who invested \$2.5 million in multiple private placements against the offering companies for breach of contract.
- Represented a real estate development company, the managers and management companies, in an action brought by investors in connection with the construction of a condominium complex.
- Represented officers and directors of a broker-dealer in an arbitration brought by a customer seeking \$6 million in damages in connection with private placements that were purchased by the customer.
- Represented registered representatives in an arbitration brought by a broker-dealer in connection with promissory notes.
- Represented individual defendants in a securities matter relating to TIC (tenants-in-common) real estate offerings.
- Represented the plaintiffs in a class action against a corporation relating to the sale of the corporation.
- Represented company in patent infringement matter involving a piece of exercise equipment.
- Represented an individual against a lending corporation for misrepresentations in connection with an interest rate SWAP Agreement.
- Represented the owner, and exclusive licensee, of a registered trademark, who also owned the common law rights, against a joint venturer for trademark infringement,

violation of the Lanham Act, and unfair competition.

- Represented a broker-dealer and the registered representative in an arbitration filed by a customer who raised claims of unsuitability, violation of Chapter 517, Florida Statutes, and fraud in connection with the investment of a private placement offering.
- Represented the former Chief Executive Officer of an exhibition company, and an international supplier for exhibitions, against a competitor in an action for defamation and false advertising in violation of the Lanham Act pending in Federal court.
- Represented a surgical center management company in an action brought by a physician relating to the redemption of the physicians membership interest.
- Represented an elderly customer of a national bank in an action against the bank and its securities division for breach of the banks duties and violation of the Adult Protective Services Act in connection with unauthorized transactions that occurred in the client's accounts.
- Represented a surgical center management company in an action brought by an investor relating to an earn-out provision in the purchase contract.
- Represented individuals in various expungement matters.
- Represented technology company in antitrust matter.
- Represented company in partnership dispute and misappropriation of trade secrets.
- Represented company in dispute over stock purchase agreement.
- Represented securities firm in dispute over misappropriation of trade secrets.

Honors

- AV Preeminent rating as independently determined by Martindale-Hubbell
- *Florida Super Lawyers*, "Rising Star," Business Litigation, 2013-14
- *The Best Lawyers in America*®, Litigation – Securities, 2022-24

Publications & Presentations

- "FINRA Proposes Rule Change to Options Reporting," author, January 16, 2015
- "Who Needs Proof? Not the Notice of Removal," author, December 23, 2014
- "The Supreme Court Considers the Requirements of Removal," author, October 27, 2014
- "The Current View on *Direct vs. Derivative*," author, August 6, 2014
- "Delaware Court Dismisses Shareholder Class Action Suit Attacking Corporate Merger," author, July 18, 2014

Professional Associations & Memberships

- American Bar Association
 - Commercial and Business Litigation Committee, 2018-present

- Securities Litigation Section, 2018-present
- Securities Industry and Financial Markets Association, 2017-present
- Tampa Chamber of Commerce, Ambassador Committee, 2014-present
- Ferguson White Inn of Court, 2012-present
 - Board member, 2017-present
- The Florida Bar, 2004-present
- New York State Bar, 2004-present
- Hillsborough County Bar Association, Leadership Institute, 2012-13

Civic & Community Service

- Attorney ad litem for the Thirteenth Judicial Circuit, 2008-present
- Project H.E.L.P., volunteer