

Devin A. Moss

Shareholder

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Practice & Industry Areas

- Business Litigation
- Toxic Torts

Education

- University of Florida, J.D., cum laude, 2011
- Emory University, B.A., 2007

Bar & Court Admissions

- Florida, 2013
- U.S. District Court for the Northern District of Florida, 2018
- U.S. District Court for the Middle District of Florida, 2014
- U.S. District Court for the Southern District of Florida, 2018

Overview

Devin Moss is a shareholder in Gunster's Business Litigation practice group. An experienced trial lawyer, he represents companies in all phases of litigation, from inception through to appeals. He handles presuit investigation, strategic case management, fact and expert discovery, motion practice, pretrial negotiations, trials and, if necessary, appeals, and has successfully represented individuals, small businesses, and multinational companies, in both product liability and business disputes.

Devin has litigated an equally wide range of matters, particularly complex product liability cases involving wrongful death and significant personal injury, as well as complex commercial disputes. He litigates in both state and federal court in Florida and nationally, and advocates for clients in a range of industries including pharmaceuticals, medical

devices, consumer products, oil and gas, and real estate and employment disputes. Devin also helps clients avoid litigation by advising them regarding risk management, product safety, and limiting product liability risk and exposure.

The bulk of Devin's practice is in the defense of complex product liability cases, including those concerning medical devices and pharmaceuticals. Devin has extensive firsthand trial experience, having been a member of the trial teams for over 30 jury trials. Accordingly, he understands how to work a case up, as he puts it, "backwards." He starts with initial discovery – where it needs to go, what it needs to do – then determines how to prepare for and deliver it. Thanks to his detail-oriented nature, he tends to notice nuances which can give him an edge at trial.

Devin is particularly experienced in handling large, complex multi-district cases. These can involve hundreds of thousands of claims, hundreds of defendants and plaintiffs and an immensely complex, high-stakes trial. Coordinating experts, working with co-counsel, developing strategies, preparing pleadings – all these things are vastly more complex in MDL, and Devin is a combination of project manager and advocate in these matters.

Devin strives to build and maintain effective working relationships with clients. Litigation is stressful, and involves surprise, change, and making many consequential decisions with imperfect information. Attorney and client, who may not have known each other a month ago, must operate as an effective team. Creating teamwork is important, and Devin knows how to do it. He prioritizes developing a client-attorney rapport that enables him to provide representation that suits each client's individual priorities, and to efficiently help them navigate the twists and turns litigation always presents.

For example, clients vary in their reasons for litigating. One may seek the least costly settlement they can get. Another may want to try cases to verdict in order to set a precedent and send a message to potential future litigants. By building rapport, Devin can both learn and execute against these objectives, and help clients consistently make decisions that are in harmony with their long-term goals as well. He strives not only for positive outcomes in litigation, but also for opportunities to provide meaningful and strategic advice to the businesses he services.

Representative Matters

- Defended Philip Morris USA in smoking and health claims throughout Florida. Trial work includes:
 - *Zingaro v. Philip Morris USA Inc.* (Fla. Cir. Ct., Duval Cty. 2019).
 - *Gaboury v. R.J. Reynolds Tobacco Co., et al.*, (Fla. Cir Ct., Miami-Dade Cty. 2019)
 - *Dubinsky v. Philip Morris USA*, No. 14-CA-26783 (Fla. Cir. Ct., Brevard Cty. 2018)
 - *Johnson v. Philip Morris USA Inc.*(Fla Cir. Ct., Hillsborough Cty. 2017)
 - *Varner v. Philip Morris USA Inc.*(Fla. Cir. Ct., Broward Cty. 2016)

- *Vila v. Philip Morris USA Inc.*, (Fla. Cir. Ct., Dade Cty 2015)
- *Danielson v. Philip Morris USA Inc.* (Fla. Cir. Ct., Escambia Cty. 2015)
- *Blasco v. Philip Morris USA Inc.*, (Fla. Cir Ct. Miami-Dade Cty. 2013)
- *Rizzuto v. Philip Morris USA Inc.*(Fla. Cir. Ct., Hernando Cty. 2013)
- *Junious v. Philip Morris USA Inc.*(Fla. Cir. Ct., Miami-Dade Cty. 2011)
- Defended BP America Company & BP Exploration & Production, Inc. in a toxic tort MDL alleging medical injuries stemming from the Deepwater Horizon oil spill.
- Defended Bayer AG in an MDL alleging medical injuries stemming from Xarelto.
- Defended Walmart Inc. in an MDL alleging medical injuries stemming from the sale of Zantac.
- Defended Boston Scientific in MDL claims alleging personal injury from various mesh products.
- Defended Monsanto Company in MDL claims alleging personal injuries from exposure to Round-Up.

Honors

- Florida *Super Lawyers*, “Rising Star,” 2020-23

Publications & Presentations

- “Saving You From Spoliation: How to Minimize the Risk of a Spoliation Claim,” presenter, 2018 Association of Corporate Counsel CLE Conference
- “Voir Dire and Jury Selection,” presenter, 2016 Dade County Defense Bar Association CLE Conference

Professional Associations & Memberships

- Dade County Bar Association
- Dade County Defense Bar Association, President and Board Chair
- American Bar Association

Civic & Community Service

- United Way, Young Leaders
- Ransom Everglades, Young Alumni Association
- Miami Dade Law Library, Fundraising Chair