

# Edward A. Marod

## Senior Business Litigation Attorney

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### Practice & Industry Areas

- Business Litigation
- Appellate Law
- Professional Liability Defense
- Creditor Rights & Bankruptcy
- Antitrust

### Education

- University of Michigan Law School, J.D., 1977
- Grand Valley State Colleges, B.S., 1974

### Bar & Court Admissions

- Florida, 1977
- Florida Supreme Court
- United States District Court Middle District of Florida
- United States District Court Southern District of Florida
- United States District Court Northern District of Florida
- United States Tax Court
- United States Court of Federal Claims
- United States Bankruptcy Court Southern District of Florida
- United States Bankruptcy Court Middle District of Florida
- United States Court of Appeals, Fifth Circuit
- United States Court of Appeals, Eleventh Circuit
- Supreme Court of the United States

## Overview

Ed Marod is a Fellow of the American College of Trial Lawyers. He limits his practice to litigation, trials and appeals of significant business cases. He has been practicing law in Florida since 1977.

Ed has an undergraduate degree in business administration with an emphasis in accounting. Ed has represented numerous accountants and accounting firms in many cases in state and federal courts and before regulators. Ed also defends lawyers in malpractice claims. Ed operated his own small firm for a number of years, so he is aware of the kinds of issues that come up in business. He is an advisor to his clients, as well as an advocate for them.

Ed has a broad range of experience in civil litigation and appellate matters. He has handled cases including:

- Accountant defense, such as administrative proceedings, negligence, negligent misrepresentation and securities violations
- Legal Malpractice defense
- Antitrust defense, ranging from dealer termination, to monopolization and bid-rigging
- Bankruptcy litigation, including asset reclamation, fraudulent transfer defense, non-dischargeability litigation, plan feasibility litigation, preference defense and stay relief
- Breach of contract
- Civil forfeitures
- Club disputes, including, among others, claims based on alleged breach of contract, false advertising, Florida Deceptive and Unfair Trade Practices Act, fraud in the inducement, implied easement, easement coupled with an interest, Florida and Interstate Land Sales Acts, post-turnover construction defect litigation and securities claims

In addition, Ed is experienced in:

- Commercial mortgage foreclosures
- Corporate deadlock litigation
- Defamation
- Director and officer liability
- Franchise litigation
- Fraud
- Lawyer malpractice defense
- Partnership dissolution litigation
- Securities litigation defense and prosecution
- Tax related litigation
- Trademark infringement
- Class and derivative action defense

Ed has also defended and prosecuted appeals in courts from Florida District Courts of Appeal all the way to the Supreme Court of the United States.

## Representative Matters

- *US v. Clarke*, 573 US 248, 134 S.Ct. 2361 (2014)
- *KPMG LLP v. Cocchi*, 565 US 18, 132 S.Ct. 23 (2011)
- *Black Diamond Properties, Inc., et al. v. Haines*, 940 So.2d 1176 (Fla. 5th DCA 2006) rehearing denied
- *KPMG LLP v. State Dept. of Ins.*, 833 So.2d 285 (Fla. 1st DCA 2002)
- *KPMG Peat Marwick LLP v. Barner*, 779 So.2d 308 (Fla. 2nd DCA 2001)
- *KPMG Peat Marwick LLP v. Barner*, 771 So.2d 56 (Fla. 2nd DCA 2000)
- *Cheney v. Cyberguard Corp.*, 2000 WL 1140306 (S.D. Fla. 2000)
- *Weininger v. Club at Admiral's Cove, Inc.*, 717 So.2d 163 (Fla. 4th DCA 1998)
- *Machata v. Seidman & Seidman*, 644 So.2d 114 (Fla. 4th DCA 1994)
- *Rice v. Branigar Organization, Inc.*, 922 F.2d 788 (11th Cir. 1991)
- *Raben Builders, Inc. v. First American Bank & Trust Company*, 561 So.2d 1229 (Fla. 4th DCA 1990)
- *Palm-Aire Country Club Apartments Condominium, Inc. v. FPA Corporation*, 559 So.2d 277 (Fla. 4th DCA 1990)
- *United States v. One Parcel of Real Estates Consisting of Approximately 4,657 Acres, Located in Martin County, Florida*, 730 F. Supp. 423 (S.D. Fla. 1989)
- *Anderson Engines, Inc., v. Briggs & Stratton Corporation*, 531 F. Supp. 1155 (M.D. Fla. 1982)

## Honors

- American College of Trial Lawyers, Fellow
- AV Preeminent rating as independently determined by Martindale-Hubbell
- *The Best Lawyers in America*®, Commercial Litigation, 2014-24
- *Florida Trend*, Florida Legal Elite, 2014
- *Florida Super Lawyers*, 2010-23
- *Palm Beach Illustrated*, "Top Lawyers," Appellate Practice, 2023

## Professional Associations & Memberships

- American Bar Association
- Litigation Section, Member, 1977-present
  - Business Torts Litigation Committee, 1986-96
  - Professional Liability Litigation Committee, 1988-96, 2012-present
  - Law Practice Management Section, 1989-11
  - Business Law Section, 2011-present
  - American Association of Justice
- The Florida Bar

- Business Law Section, 1977-present
  - Antitrust Committee
  - Chairman, 1986-88
  - Vice chairman, 1984-86, 1988-89
- Executive Council, 1984-89
- United States Circuit Court for the Federal Circuit
- United States Circuit Court for the District of Columbia
  - Standing Committee on Relations between the Florida Bar and Florida CPAs, 1997-02
  - Grievance Committee 15-E, 1998-01,
    - Chairman, 2001
- Palm Beach County Bar Association

## **Civic & Community Service**

- University of Michigan Club of the Palm Beaches, Board of Directors, 1983-present