

# Gregor J. Schwinghammer Jr.



## Shareholder

West Palm Beach  
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(561) 650-0595

### Practice & Industry Areas

- Business Litigation
- Class Action Defense
- Labor & Employment Law
- Toxic Torts

### Education

- University of Miami School of Law, J.D., summa cum laude, 1996
  - *University of Miami Law Review*, editor-in-chief, 1995-96
  - Eight Book Awards
  - National Moot Court Team, Member, 1996
- University of Virginia, B.A., 1988
  - Distinguished Military Graduate

### Bar & Court Admissions

- Florida, 1996
  - Grievance Committee Chair, 2022
- Board Certified, Business Litigation, 2007 to present (renewed 2012, 2017, 2022)
- United States District Court, Southern District of Florida, 1997
- United States District Court, Middle District of Florida, 1997
- United States Eleventh Circuit Court of Appeals, 1998

## Overview

Greg Schwinghammer is a shareholder who joined Gunster in 1996. Before his legal career, Greg was a cavalry officer in the U.S. Army, serving in Germany and Kuwait.

Greg's practice involves complex business litigation, employment litigation, and toxic tort and environmental litigation. Greg is co-chair of Gunster's Class Action Defense team. He represents clients throughout Florida and, when needed, around the country. Greg has tried

cases at all levels — from local administrative hearings, to county court commercial evictions, to arbitration, to jury trials in circuit and federal courts. Greg has spoken on employment and class action issues to various Bar association groups, and has presented on class certification to the Association of Corporate Counsel and as a panelist in front of the Association of Circuit Court Judges.

Greg has represented Fortune 50 companies, statewide and local businesses, and high net worth individuals in a wide array of litigation. His experience ranges from mass and toxic tort cases, consumer and employment class actions, complex business and breach of contract cases, labor and employment law claims, and bankruptcy litigation, to name only a few.

Since 2012, Greg has been involved in the judicial nominating process in Florida. He began serving on the Judicial Nominating Commission (JNC) for the 15th Judicial Circuit in Palm Beach County, and was Chair of that JNC for five years. He was then appointed to the JNC for the Fourth District Court of Appeals in 2020, and reappointed in 2022. Additionally, Greg has served as Chair of a Florida Bar Grievance Committee and is currently serving as Chair for his second term.

Greg is involved in the community as a member of Leadership Florida (Class 34), as well as serving on the Board of the Education Foundation of Palm Beach County, and for several years has served as coach and board member for the Jupiter Tequesta Athletic Association Girls' Lacrosse League.

## Representative Matters

- Pratt & Whitney Acreage “Cancer Cluster” Litigation—Counsel for Pratt & Whitney in group of environmental toxic tort cases involving claims for more than \$1 billion in alleged property damage and personal injury claims arising from allegations of a “cancer cluster” in a neighborhood a few miles from Pratt & Whitney’s facility.
  - Defeated class certification after five-day evidentiary hearing (*Cotromano v. United Techs. Corp.*, 2018 U.S. Dist. Lexis (S.D. Fla. May 2, 2018))
  - Obtained defense verdict after three-week jury trial on seven of the plaintiffs’ property damage claims (2022)
  - Obtained summary judgment ruling dismissing wrongful death claim, which was affirmed on appeal (*Pinares v. United Technologies*, 973 F.3d 1254 (11<sup>th</sup> Cir. 2020))
- Sugar Cane Burning Class Action Litigation—Represented client in class action seeking to enjoin and obtain damages for a long-standing, regulated agricultural practice. Won several motions to dismiss to narrow the claims, and after production of air quality data demonstrating that the practice caused no damage, obtained a voluntary dismissal, with prejudice, of all claims.
- *Price v. United Technologies* (264 F.3d 1146 (11<sup>th</sup> Cir. 2001))—Won summary judgment for employer dismissing claims of age discrimination.

- *Tucker v. Hamilton Sundstrand Corp., Inc.*, 268 F.Supp.2d 1360, 16 Fla. L. Weekly Fed. D528 (S.D. Fla. 2003)—Won summary judgment for employer, dismissing whistleblower claims as preempted by Airline Deregulation Act.
- *Pop’s Pancakes, Inc. v. NuCo2, Inc.*, 251 FRD 677, 21 Fla. L. Weekly Fed. D348 (S.D. Fla. 2008)—Defeated class certification involving a putative class of 36,000 members claiming violations of Florida’s Deceptive and Unfair Trade Practices Act. Plaintiffs alleged they were charged a “hidden” administrative fee as part of a tax, but we demonstrated that the fee was not hidden, and was disclosed on invoices, and further that several members of the putative class were aware of the fee. In fact, in deposition established that the named plaintiffs were aware of the fee, so class certification was denied and the case dismissed.

## Honors

- Florida Bar, Board Certified in Business Litigation
- *The Best Lawyers in America*®, Commercial Litigation, 2014-24
- Florida *Super Lawyers*, 2010-13, 2017-18
- *Palm Beach Illustrated*, “Top Lawyers”
  - Business Litigation, 2019-20
  - Commercial Litigation, 2021
- *Jupiter Magazine*, “Top Lawyers”
  - Commercial Litigation, 2021
- AV Preeminent Rating as independently determined by Martindale-Hubbell
- *Florida Trend*, “Legal Elite,” 2004-05

## Publications & Presentations

- “Surviving in Today’s Class Action Climate,” ACC 12th Annual CLE Conference, speaker, September 2022
- “Class Certification,” Florida Conference of Circuit Judges 2019 Annual Education Program, speaker, August 2019
- “Employment Case Law Update: Recent U.S. Supreme Court and Eleventh Circuit Employment Cases,” Federal Bench Bar Conference, 2012
- “A Primer on Employment Discrimination Litigation,” Lorman Education Services, November 2000, 2001, 2003
- “Change: The Obama Administration’s Plans for Employment Law,” Gunster Employment Seminar, February 2009
- “Litigation Skills in Florida: Executions, Garnishment and Discovery in Aid of Execution,” Lorman Education Services, June 2000

- “Judgment Day — Start to Finish: Post-Judgment Remedies — Attachment, Garnishment and Post-Judgment Discovery,” Palm Beach County Bar Association, December 1999
- “Insurance Litigation in Florida: Declaratory Judgments and the Duty to Defend,” *50 U. Miami L. Rev.* 945, 1996

## **Professional Associations & Memberships**

- Judicial Nominating Commission for the Fourth District Court of Appeal
  - Commissioner, 2020, 2022-26
  - Vice Chair, 2023-present
- 15th Judicial Circuit Grievance Committee, 2014-17, 2021
- Judicial Nominating Commission for the 15th Judicial Circuit
  - Chair, 2015-20
  - Commissioner, 2012-20
- Federal Bench Bar Committee, 2010, 2012
- Leadership Florida Class 34
- Federalist Society
- Education Foundation of Palm Beach County
  - Member
  - Board of Directors
- JTAA Girls’ Lacrosse league
  - Member
  - Board of Directors