

# Jon M. Philipson

## Shareholder

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### Practice & Industry Areas

- Business Litigation
- First Amendment Law
- Alternative Dispute Resolution
- Class Action Defense
- Antitrust

### Education

- University of Florida Levin College of Law, J.D., summa cum laude
- Washington & Lee University, B.A., Economics and Romance Languages, summa cum laude

### Bar & Court Admissions

- Florida, 2011
- District of Columbia, 2013
- Middle District of Florida, 2013
- Southern District of Florida, 2013
- Northern District of Florida, 2013
- Eleventh Circuit Court of Appeals, 2014
- U.S. Supreme Court, 2020

## Overview

Jon Philipson is a litigator and counselor who represents both national and regional business entities in complex business disputes in federal and state trial and appellate courts. He advises and guides clients concerning a wide range of topics, including contract disputes, business negotiations, employment disputes, antitrust disputes, shareholder derivative actions, defamation claims and First Amendment issues. Jon often serves as local counsel for businesses pursuing and defending actions in Florida state and Federal courts, particularly the U.S. District Court for the Middle District of Florida. In addition, Jon is a Florida Supreme Court certified circuit civil mediator and certified Middle District of Florida mediator and a court approved arbitrator for Florida's 6<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> Judicial Circuits.

His work also involves drafting, negotiating, and analyzing agreements, written consents, and other corporate operating and formation documents for small to large business entities. In addition, he counsels clients on business transactions, antitrust issues, and potential litigation.

Jon seeks to be an exceptionally informed advisor to his clients. First in his law school class, editor in chief of the law review, and a Rhodes Scholar finalist, Jon's approach to the day-to-day practice of law is based on exhaustive research, a voracious appetite for details, and a relentless focus on the client's ultimate objective. As a result, he can deliver solutions that are not only legally correct but also pragmatic.

Growing up in his family's multigenerational business, Jon immersed himself in the day-to-day realities of operating an enterprise. From that experience, Jon takes a proactive problem-solving approach to his clients' legal matters.

As a practitioner, Jon assists clients in arriving at resolutions by applying a multifaceted perspective that reflects the diversity of his professional and personal background. Although he is a highly effective advocate in court, his problem-solving approach comes into play outside the courtroom, in analyzing, negotiating and developing solutions to his clients' disputes and issues.

Prior to attending law school, Jon was involved in public service at both the national and state level. This included working as an aide to Congressman Jim Davis, serving as a press intern for U.S. Senator Patty Murray, and drafting state legislation in Florida.

In addition, following law school, Jon both externed and clerked for Chief Judge Anne Conway, of the U.S. District Court for the Middle District of Florida. In this role, he worked closely with the judge, assisting with the drafting of opinions and memoranda, researching a wide range of legal topics and preparing jury instructions. In addition to being highly sought-after, federal judicial clerkships provide clerks with unique insights into the judicial process.

Jon seeks to integrate all of these factors into his representation and guidance of clients. When presented with a dispute or an issue, in addition to legal analysis, he also is capable of providing strategic analysis of the political, public relations, and business impact of potential courses of action. This multifactorial approach enables him to recommend a course of action that's optimal from several perspectives. He often operates as a kind of outside general counsel for clients large and small and for individuals, advising them on a wide variety of issues and concerns in this manner. Jon also employs this approach when serving as a mediator and arbitrator.

## **Representative Matters**

- Represented multinational mass media and entertainment conglomerate and serving as local trial counsel, obtained a bench trial decision involving a disability discrimination claim under the Americans with Disabilities Act.
- Represented international animal rights organization in ongoing litigation.
- Represented closely held corporations and limited liability companies in derivative and direct disputes and records inspections.
- Resolved breach of contract disputes on matters involving airplane leases, employment disputes, commercial loan disputes, shopping center disputes, Medicare Management Services Organization dispute, multimillion-dollar earnout disputes, subcontract agreements.
- Represented media entities and journalists in defamation matters in multiple jurisdictions.
- Represented and advised employers in employment disputes and EEOC proceedings and pre-suit proceedings.
- Advised corporation and trade association on possible antitrust claims.
- Counsel closely-held businesses on various day-to-day legal issues and corporate management, including review and analysis of existing contracts and post-transaction analysis.
- Evaluate for clients possible high-priced insurance claims.
- Advised national corporations on strategic messaging and risk management assessments and strategies involving various business initiatives and legal risks.
- Obtained a dismissal with prejudice of a libel suit brought against a civil rights lawyer and his publisher arising out of the lawyer's prominent book on social issues.
- Won summary judgment for reporter in public official defamation lawsuit brought by a former state attorney.
- Obtained, as local counsel, a dismissal with prejudice of tort claims against an Internet service provider based on Section 230 immunity
- On behalf of a consortium of media companies, obtained the release of surveillance video recordings over asserted exemptions in a high-profile criminal case.
- Obtained order granting protective order and fees to preclude depositions of employees that were beyond the scope of discovery in a class action case.
- Won dismissal of copyright claims and state law claims under the Florida Idea statute of frauds.
- Obtained summary judgment in favor of Directors & Officers Liability carrier in a \$40 million-plus Coblenz enforcement action involving the application of an "arising out of" contract liability exclusion to a business dispute and a discussion of the Daubert deficiencies of a Coblenz expert opinion
- Represented a contractor in a high-profile OSHA investigation.
- Represented insurance companies in multimillion-dollar coverage disputes.
- Represented media companies and public interest groups in Florida public records actions.

- Provided trademark policing for clients.

## Honors

- AV Preeminent rating as independently determined by Martindale-Hubbell, 2019-present
- Best Lawyers in America, Commercial Litigation, 2021-present
- Tampa Jewish Community Centers & Federation's Charles Adler Young Leadership Award, 2023
- Federal Bar Association, Tampa Bay Chapter's Mentor of the Year, 2021 & 2022
- Tampa Magazine Top Lawyers, Top Three Lawyers in Commercial Litigation & Transactions/UCC Law, 2019
- Super Lawyers: Florida Rising Stars, 2017-2021
- University of Florida Alumni Association: Twenty Under Thirty List, 2013
- American Bar Association's James Boskey Award, 2011
- University of Florida Hall of Fame, 2011
- Florida Blue Key Officer
- Editor in Chief, Florida Law Review
- W.D. Macdonald Prize, awarded to student who graduates with the highest grade point average
- Order of the Coif
- Irving C. Cypen Scholastic Achievement Award
- Robinson Award, awarded to student with highest grade point average of graduates in modern and classical languages
- Rhodes Scholar finalist

## Publications & Presentations

- Berkeley Preparatory School Convocation, speaker, 2023
- "Mentoring from a Judicial Perspective Panel," moderator, Federal Bar Association, 2023
- "High School Summer Program-Practitioner Panel," panelist, Federal Bar Association, 2023
- "Cooley Law Student Division: Judicial Law Clerk Panel," panelist, Cooley Law Student Division, Federal Bar Association, 2023
- "Staying in the Game: Put Me in Coach," panelist, Federal Bar Association, 2022
- Berkeley Preparatory School Convocation, speaker, 2022
- "The Mentor-Mentee Relationship—Keys to Success," panelist, The Federal Bar Association, 2022
- "How to Build Your Professional Network," panelist, Federal Bar Association, 2021
- Hillsborough County Public Schools' African American Read-In, reader, Hillsborough County Public Schools, 2021

- “Stetson University College of Law: Campus to Career Conference,” speaker, Stetson University, 2021
- WTSP 10 News, legal commentator, 2019
- Florida’s Constitution Revision Commission, moderator, The Florida House 2017
- “Transportation—Florida’s Next Economic Engine,” moderator, The Florida House, 2015
- “National Security in a Changing World,” moderator, Allen L. Poucher Lecture Series, 2013
- U.S. District Court for the Middle District of Florida 50th Anniversary Symposium, speaker, 2012
- Florida Second District Court of Appeal Swearing-In Ceremony, speaker, 2011
- University of Florida College of Law Student Graduation, speaker, 2011
- Marshall Criser Distinguished Lecture: Justice Clarence Thomas, moderator, 2010
- “Inn the News: C.H. Ferguson-M.E. White American Inn of Court,” *The Bench*, July/Aug. 2021
- “Fla. Cir.: Florida Prosecutor’s Libel Complaint Barred by Fair Report Privilege and Lack of Actual Malice,” *MLRC Media Law Letter*, May 31, 2019
- “Judge Orders Release of Exterior Video Recordings in Parkland School Shooting,” *MLRC Media Law Letter*, March 28, 2018
- “Second Order Logrolling: The Impact of Direct Legislative Amendments to State Constitutions,” *41 Nova L. Rev.* 23, January 2017
- “Why I Took Paternity Leave—And More Dads Should,” *TIME’s Motto.com*, September 8, 2016
- “Secure Communications: How a Monthly Lunch Can Protect Your Company in a Data Breach,” *PublicRelations Tactics PRSA*, September 2015
- “A Kickstart to Business: Florida Joins Other States in Passing Intrastate Crowdfunding Exemption,” *JDSupra*, July 2015
- “The Efficient Market Theory—§10(b)’s Double-Edged Sword,” *JDSupra*, May 2015
- “Crisis Management: Five Steps to Take Before Providing That Comment,” *Expect Focus Vol. IV*, Fall 2014
- “When the Battle Zone Comes Home: The Adjudication of American Citizens in Terrorism Cases,” 15th Annual Conference on Legal & Policy Issues in the Americas, *Center for Governmental Responsibility*, April 2014
- “Introduction to the Symposium: Fifty Years of Central Florida History Through the Lens of the Federal Courts,” *The Florida Historical Quarterly*, Vol. 92.2, Fall 2013
- “The Kids are Not All Right: Mandating Peer Mediation as a Proactive Anti-Bullying Measure in Schools,” *14 Cardozo J. of Conflict Resol.* 81, 2012 (ABA’s James Boskey Dispute Resolution Award Winner)
- “OWNER BEWARE: OSHA’s Impact on Tort Litigation by Independent Contractors’ Injured Employees against Business Premises Owners,” *66 U. Miami L. Rev.* 987, 2012

## Professional Associations & Memberships

- Member, U.S. District Court for the Middle District of Florida’s Grievance Committee, 2023-present
- Federal Bar Association-Tampa Bay Chapter, 2016-present
  - Board Member, 2023-present
  - Mentoring Chair, 2023-present
  - Summer Camp at the Courthouse Committee, 2023
  - Mentoring Program Mentor, 2021-present
  - Stay in the Game Committee, 2018
  - Day at the Courthouse Committee, 2016
- Barrister, Wm. Reece Smith, Jr. Litigation American Inn of Court, 2023-present
- C.H. Ferguson-M.E. White American Inn of Court, 2017-2023
- The Florida Bar
  - Constitutional Judiciary Standing Committee, 2011-2014

## **Civic & Community Service**

- Rekindle Fellowship, Tampa Bay, 2024-present
- WEDU-PBS Board of Directors, Board Member, 2022-present
- YMCA, Orlando/Tampa, FL, Youth Basketball Coach, 2011; 2013; 2023-present
- Tampa Bay United Soccer, Coach, 2023
- Tampa Jewish Federation’s Jewish Community Relations Council, Member, 2022-present
- i9 Sports League, Coach, 2022
- Anti-Defamation League’s Glass Leadership Institute, Participant, 2022
- Tampa Jewish Federation’s Hope Cohen Barnett Leadership Institute, Participant, 2021-2022
- University of Tampa Board of Fellows, Fellow, 2019-2023
- Congregation Schaarai Zedek’s Amy Gail Buchman Preschool, Home Room Parent, 2017-2019
- All Saints Academy, Board of Trustees Member, 2016-2019
- Washington & Lee University’s Williams School Young Alumni Council, Board Member, 2016
- Washington & Lee University’s Florida West Coast Alumni Chapter, Board Member and President, 2014-2021
- Best of Tampa Bay, Committee Member, 2014-2016
- Ovarian Cycle Tampa, Fundraising Committee, 2013-2018
- Florida House on Capitol Hill, Young Trustee, 2013-2022
- University of Florida Law Judicial Clerkship Committee, Mentor, 2015-2018
- United Way Suncoast, Public Policy Committee Member, 2013-2018
- United Way Suncoast, Early Literacy Initiative Committee Member, 2013-2015
- University of Florida Law Alumni Council, Board Member, 2011-2019
- University of Florida Law Alumni Mentoring Program, Mentor, 2011-present

- Leadership Florida Connect, East Central Region Board Member, 2010-2012
- Snively Mentoring Program, Founder and Chairman, 2000-2002