

Michael T. Traficante

Naples Office Managing Shareholder

Naples
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(239) 514-1000



Practice & Industry Areas

- Business Litigation
- Construction Law
- Probate, Trust & Guardianship Litigation

Education

- University of Florida, J.D., with honors, 2006
- University of Florida, B.A., with honors, 2003

Bar & Court Admissions

- Florida, 2006
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

Overview

Michael Traficante serves as Gunster's Naples Office Managing Shareholder. His practice is focused on complex commercial and civil litigation. He represents clients in various matters involving real property litigation, business litigation, probate and trust litigation, and commercial litigation – in both state and federal court and in arbitration proceedings. Michael is also skilled in various aspects of construction law and litigation.

In everything he does, Michael strives to represent his clients with relentless energy and responsiveness. He approaches each client engagement with the importance that it deserves because helping people resolve their legal challenges is at the heart of who he is as a lawyer and advocate. Michael is committed to providing a realistic assessment of each client's case so that they are prepared for what lies ahead.

After many years of practice, Michael always strives to remain calm under fire. He believes in meticulous preparation – particularly when going to trial. His unflappable demeanor, coupled with his seemingly innate ability to provide persuasive arguments, serves him well

before opposing counsel and judges and juries alike at all phases of the dispute resolution process.

Notably, Michael is AV-rated by Martindale-Hubbell, named a Rising Star in the 2010 edition of Florida Super Lawyers and has been recognized by *The Best Lawyers in America* in the areas of Litigation-Real Estate since 2018 and Litigation-Trusts and Estates since 2020 in the Fort Myers, Florida metropolitan area. Moreover, Michael has also been recognized by *Best Lawyers* as the 2022 and 2024 “Lawyer of the Year” for Litigation-Trusts and Estates in the Fort Myers, Florida metropolitan area.

Michael joined Gunster in 2023, when the Southwest Florida firm in which he was a Shareholder merged with Gunster. He has practiced law in Florida since 2006.

Representative Matters

- Representing both contractors and owners in handling various construction-related matters concerning construction defect litigation, breach of contract, claims of liens and wrongful termination
- Representing both buyers and sellers in handling various real property disputes, including breach of contract, title disputes, and *Johnson v. Davis* claims
- Handled various business/partnership disputes, including obtaining summary judgment on behalf of the client determining the rights of parties in and to a limited liability company
- Defended against various claims raised against an estate as being untimely under the creditor-claim statute, including defeating various claims in excess of \$11 million as being untimely
- Defended against various claims raised against a trustee or personal representative for breach of fiduciary duty, accounting and surcharge
- Defended against claims for tortious interference with an expectancy
- Obtained a summary judgment in excess of \$1 million on behalf of a client against a bank that improperly deposited checks stolen from the client
- Obtained summary judgment on behalf of a developer client against claims raised under the Interstate Land Sales Full Disclosure Act and Florida Condominium Act
- Representing both owners, condominium associations, and homeowners’ associations in actions concerning the enforcement of restrictive covenants
- Representing businesses in enforcing restrictive covenants (non-competes and non-solicitations) including obtaining an injunction against a former owner/officer/employee of the client who violated a non-compete/non-solicitation agreement
- Prosecuted and defended against claims for defamation

Honors

- *The Best Lawyers in America*©
 - Litigation – Trusts & Estates, 2020-24
 - Litigation – Real Estate, 2018-24
 - Litigation – Trusts & Estates “Lawyer of the Year” in Fort Myers, 2022, 2024
- *Naples Illustrated*
 - “Top Lawyers,” Construction Law, 2021-present
 - “Top Lawyers,” Business Litigation & Construction Law, 2020
- Florida *Super Lawyers*, “Rising Star,” 2010
- AV rating as independently determined by Martindale-Hubbell

Publications & Presentations

- “Defective or Lost Instruments,” Florida Bar practice manual, Real Property Litigation, contributing author

Professional Associations & Memberships

- American Bar Association
- Florida Bar, Trial Lawyers, Real Property, Probate & Trust Law, and Business Law Sections
- Collier County Bar Association, Real Estate and Trial Lawyers Sections
- American Inns of Court, Thomas S. Biggs Section

Civic & Community Service

- Leadership Collier, Class of 2019
- GAIN of Naples, past Graduate
- Collier County Bar Association, past Director
- Collier County Bar Association Young Lawyers Section, past President
- Collier County Bar Association Trial Lawyers Section, past President
- Collier County Bar Foundation, past Board Member
- Legal Aid Service of Collier County, past Fundraising Development Board Member
- American Cancer Society
 - Volunteer
 - Relay for Life of Naples, past Chair
- Champions For Learning, Volunteer
- Junior Achievement of Southwest Florida
 - Board Member, 2018-present
 - Hall of Fame Advisory Board, 2020-present
 - Volunteer

