

Michael W. Marcil

Shareholder

Fort Lauderdale
mmarcil@gunster.com
(954) 468-1385



Practice & Industry Areas

- Business Litigation
- Intellectual Property Litigation

Education

- Georgetown University Law Center, J.D., cum laude, 1994
- University of Miami, B.A., cum laude, 1991
 - Phi Beta Kappa

Bar & Court Admissions

- Florida, 1996
- Maryland, 1994
- U.S. District Court for the District of Maryland
- U.S. District Court
 - Southern District of Florida
 - Middle District of Florida
 - Northern District of Florida
- U.S. Court of Appeals for the Eleventh Circuit

Overview

Michael Marcil is a dedicated problem solver and consummate advocate. Michael strives to help his clients to achieve their business goals through collaboration, and places a high value on fully understanding each client's mission and in delivering diligent, responsive and first-rate client service.

Michael strives to never lose sight of the "big picture" of a given claim, and aims to present even the most complicated facts and concepts of a case in the most easily understood way. Whether a claim involves hundreds of millions of dollars and protracted litigation or can be settled with strategic diplomacy, Michael remains focused on providing practical advice that balances both legal and economic considerations.

Michael is involved in high-stakes litigation, both inside and outside of Florida, including cases in New York, California, Arizona and Alabama. He offers his clients decades of litigation and trial experience in state, federal and appellate courts throughout the state. In addition, he served on the Judicial Nominating Commission of the 17th Judicial Circuit of Broward County.

In an era where very few attorneys actually go to trial, Michael frequently tries litigation claims to jury verdict. As a trial attorney, Michael's goal is to be thoroughly prepared and to develop compelling and marketable themes for the jury. No matter how zealous a dispute requires Michael to be, he is dedicated to remaining professional to solve even the most contentious and high dollar disputes.

Representative Matters

- In February 2015 successfully obtained a defense verdict in federal court on all counts in a two week trial involving trademark and unfair competition claims brought by a competing alarm services provider. The judgment was affirmed on appeal.
- In April 2021 successfully obtained summary judgment against an international company that argued that it was not responsible for paying rent payments during pandemic because of closure of a movie theatre.
- In October 2021 successfully obtained a defense verdict on all counts in the Circuit Court for Broward County in a business dispute between owners of a moving company. The judgment was not appealed.
- In March 2022 successfully obtained a defense verdict on all counts in the Circuit Court for Broward County in a two week trial involving ten-figure claim for damages resulting from alleged tortious interference and breach of a non-competition agreement by a millwork company. The judgment was affirmed on appeal.
- In May 2022 successfully obtained summary judgment in the Circuit Court for Broward County in defense of a claim to set aside a seven-figure sale of property to client. The judgment was affirmed on appeal.
- In March 2023 successfully obtained a judgment on all counts in the Circuit Court for Broward County following a two-week trial involving a ten-figure claim against client-bank for alleged conversion, aiding and abetting fraud and civil theft. The judgment was not appealed.
- In May 2023 successfully obtained a final award in favor of client following four-day arbitration final hearing regarding breach of a non-competition provision of a limited partnership agreement.

Honors

- *The Best Lawyers in America*®, Commercial Litigation, 2024

Publications & Presentations

- “Punitive Damages and Lost Profits Damages in Commercial Torts Cases,” *Business Litigation in Florida*, 11th Edition, Lexis Nexis, 2021.
- “The Economic Loss Rule, *Business Litigation in Florida*, 11th Edition, Lexis Nexis, 2021.
- “Order and Judgments,” *Florida Civil Trial Practice*, 14th Edition, Lexis Nexis, 2023.

Professional Associations & Memberships

- The 17th Judicial Circuit, Broward County
 - Judicial Nominating Committee, 2007-11
 - Chair, 2008-09