

Timothy J. McGinn

Shareholder

Miami

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Practice & Industry Areas

- Business Litigation
- Intellectual Property Litigation
- Probate, Trust & Guardianship Litigation
- First Amendment Law
- Antitrust

Education

- Duke University School of Law, J.D. 2009
- Harvard College, A.B., 2006

Bar & Court Admissions

- Florida, 2017
- New York, 2010
- United States Court of Appeals for the Eleventh Circuit, 2017
- United States District Court, Southern District of Florida, 2017
- United States District Court, Middle District of Florida, 2017
- United States District Court, Northern District of Florida, 2017
- United States District Court, Southern District of New York, 2010
- United States District Court, Eastern District of New York, 2010

Overview

Timothy J. McGinn is a shareholder in Gunster's Business Litigation practice group. His practice focuses on the litigation and resolution of complex civil disputes.

Timothy strives to work closely with his clients to understand their businesses and tailor his counsel to their specific needs. He has experience defending corporate clients against breach of contract, breach of fiduciary duty, antitrust, civil racketeering, and securities fraud claims in federal and state courts. He has also spearheaded clients' investigations of alleged insider trading, self-dealing, and other financial misconduct.

Timothy is committed to providing legal services to indigent and not-for-profit clients. He has represented victims of domestic violence in divorce, custody and other proceedings at trial and on appeal. He received the Legal Aid Society's "Pro Bono Publico Award" for these efforts in 2012. Before joining Gunster, Timothy was a litigator in the New York office of a large international law firm.

Representative Matters

- Won summary judgment and dismissal of defamation, conspiracy, and intentional infliction of emotional distress claims for three defendants who, in the Netflix documentary "Immigration Nation," had accused the plaintiffs, a Bay County commissioner and his construction company, of wage theft, *Hamm v. Resilience Force*, 31 Fla. L.W. Supp. 2d 356 (Fla. 14th Cir. Ct. Sept. 1, 2023)
- Obtained dismissal of a products liability and wrongful death action for an agricultural company alleged to have caused its former employee's illness by exposing him to an herbicide
- Won appellate reversal of a trial court ruling and obtained a protective order quashing the non-party deposition of the founder and former chief executive officer of a multi-billion-dollar company
- Won summary judgment and dismissal of a slander claim for the founder and chairman of one of the largest banks in the United States, who was alleged to have defamed a former senior employee after the employee joined a competitor, *Centennial Bank v. ServisFirst Bank*, No. 8:16-cv-00088, 2021 WL 915121 (M.D. Fla. Mar. 10, 2021)
- Won summary judgment, dismissal of defamation and cyberstalking claims, and attorney's fees for a Hallandale Beach city commissioner who had accused the plaintiff, a pet store owner, of sourcing his dogs from "puppy mills," *Marquez v. Lazarow*, 324 So. 3d 485 (Fla. 3d DCA 2020) & *Marquez v. Lazarow*, 347 So. 3d 472 (Fla. 3d DCA 2022)
- Won judgment on the pleadings for the U.S. bank subsidiary of a multinational financial services company and obtained dismissal of a writ of garnishment that had frozen approximately \$13 million in client funds, *BDT Investments, Inc. v. Lisa, S.A.*, No. 18-22005, 2019 WL 7373084 (S.D. Fla. Oct. 31, 2019)
- Counsel to a leading insurance broker in federal multidistrict litigation alleging the broker had violated antitrust and racketeering laws by overseeing an industry-wide bid-rigging scheme to protect incumbent insurers from competition

- Conducted a publicly traded company’s internal investigation of allegations of self-dealing by its chief executive officer
- Counsel to a global financial services firm for the litigation and settlement of billion-dollar residential mortgage-backed securities claims brought by a monoline insurance company
- Counsel to a large insurance company for its investigation of its reinsurer’s mismanagement of tens of millions of dollars in reinsurance trust accounts and ties to a hedge fund under federal investigation
- Counsel to prominent investment advisers and hedge funds during insider trading investigations conducted by the U.S. Department of Justice and the U.S. Securities and Exchange Commission
- Counsel to the City of New York in obtaining the dismissal of a toxic tort claim on appeal, *Cleghorne v. City of New York*, 99 A.D.3d 443 (N.Y. App. Div. 1st Dep’t 2012)
- Counsel to senior executives of a private aviation company in obtaining the dismissal of derivative claims brought by a company creditor, *CML V, LLC v. Bax*, 6 A.3d 238 (Del. Ch. 2010), *aff’d*, 28 A.3d 1037 (Del. 2011)
- Pro bono counsel to indigent clients in divorce, custody, and child support proceedings

Honors

- New York State Bar Association, Empire State Counsel, 2015
- Legal Aid Society, *Pro Bono Publico* Award, 2012
- Duke University School of Law
 - Moot Court Board, Co-Chairman, 2008-09
 - Hardt Cup Moot Court Tournament, Champion, 2007

Publications & Presentations

- “The Florida Bar’s Annual Review of U.S. Supreme Court First Amendment Decisions (October Term 2021),” panelist, *The Florida Bar*, June 24, 2022
- “The Florida Bar’s Annual Review of U.S. Supreme Court First Amendment Decisions (October Term 2020),” panelist, *The Florida Bar*, June 25, 2021
- “The Florida Bar’s Annual Review of U.S. Supreme Court First Amendment Decisions (October 2019),” panelist, *The Florida Bar*, June 19, 2020
- “The Florida Bar’s Annual Review of U.S. Supreme Court First Amendment Decisions (October 2018),” panelist, *The Florida Bar*, June 28, 2019
- “The Florida Bar’s Annual Review of U.S. Supreme Court First Amendment Decisions (October 2017),” panelist, *The Florida Bar*, June 15, 2018

Professional Associations & Memberships

- New York City Bar Association, Securities Litigation Committee, Secretary, 2015-16

Civic & Community Service

- Leadership Miami, Spring Class 44, 2022-2023