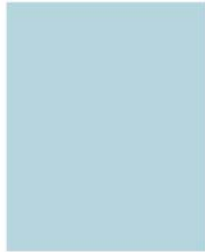
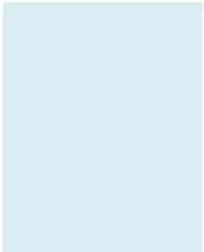


***KIM VAUGHAN LERNER<sup>SM</sup>***

*THE POWER OF PERSPECTIVE*



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# Introduction

## The “Power of Perspective”

- 1. To provide highly competent and sophisticated legal representation, coupled with the results-driven focus and efficiency of customized legal service*
- 2. To recognize, understand, and anticipate our clients’ legal needs and advance their stated goals*
- 3. To use creative problem-solving techniques and diversity of perspective to identify practical solutions to our clients’ legal issues*
- 4. To practice law with honor, integrity, and professionalism*



**Kim Vaughan  
Lerner LLP**

(“KVL”) is pleased to highlight its litigation and trial services. Our partners have extensive experience garnered from their many years working at large multi-national law

firms. We have the demonstrated ability to litigate matters effectively in commercial litigation, employment litigation, insurance defense, products liability, and arbitration. Our attorneys are intimately familiar with both the state and federal courts of Florida and have practiced in courts in several jurisdictions from across the country. While an amicable resolution before trial is always preferable, KVL has demonstrated its ability to successfully take significant cases to jury verdict, bench trial, or final arbitral hearing.

We are a “go-to” firm for high stakes litigation, for matters that may impact the highest levels of any business organization, or for matters that require the utmost discretion and confidentiality. We are routinely retained in these instances because of our ability to analyze a problem, offer practical advice, and work with our clients to achieve desired results through efficient and effective case management and advocacy.

The firm’s attorneys are highly regarded by their peers as demonstrated by their frequent mention in surveys of top Florida attorneys, in Chambers USA, and in Super Lawyers. The firm is rated AV Preeminent® by Martindale-Hubbell, its highest rating possible.

KVL is passionately committed to diversity, with minorities comprising more ninety percent of the firm’s attorneys. Our lawyers share a deep commitment to our community as reflected in our extensive record of voluntary bar service, pro bono work, and community service.

# Firm Highlights

## Recognized Legal Talent

- The majority of our attorneys have been recognized by one or more of the following publications:
  - Chambers USA
  - Martindale Hubbell
  - Super Lawyers
  - Florida Trend Magazine
  - South Florida Legal Guide
  - South Florida Business Journal
  - Daily Business Review

## Trial and Litigation Skills

- Our partners have handled numerous high-value trials on a variety of issues across a wide range of industries.
- Members of our firm are instructors with the National Institute of Trial Advocacy (NITA) and the majority of our attorneys have participated in NITA trial and litigation skills programs.
- We are panel counsel for several insurance companies in areas including employment law, aviation and aerospace, and general liability.
- We handle multi-million dollar breach of contract claims, and routinely represent corporations in litigation matters involving complex financial disputes, often through trial to a jury, bench, or arbitrator decision.
- We regularly represent large retailers, financial institutions, insurance companies, and numerous businesses in the hospitality industry.

## Efficient and Effective Representation

- KVL retains all of the advantages of large law firm practice with the efficiency and adaptability of a small law firm.
- Our partners began practicing with a National Law Journal top 250 law firm.
- Our partners worked for several years as partners in AmLaw 200 law firms.

# About Kim Vaughan Lerner LLP

Our partners worked together in one of Florida's most prestigious and storied law firms. Each of our attorneys brings a wealth of litigation and real courtroom experience. This experience brings with it substantial knowledge of various areas of law, the ability to accurately assess liability, and to effectively implement a plan to achieve results, whether through early resolution or through trial.

Based in Fort Lauderdale, Florida, we routinely handle litigation, arbitration, and employment matters throughout the State of Florida and the United States. In addition, our attorneys have handled matters in the Caribbean, South America, Europe, and Asia.

Our firm is governed by four basic objectives:

- To provide highly competent and sophisticated legal representation, coupled with the results-driven focus and efficiency of customized legal service;
- To recognize, understand, and anticipate our clients' legal needs and advance their stated goals;
- To use creative problem-solving techniques and diversity of perspective to identify practical solutions to our clients' legal issues; and
- To practice law with honor, integrity, and professionalism.

These objectives are furthered by what we call the **"Power of Perspective"**.

*"Each of our attorneys brings  
a wealth of litigation and  
real courtroom experience."*

# *What is the Power of Perspective?*

*Thinking outside of the box.*

*Standing in another's shoes.*

*Problem solving in a different way.*

Perspective is the ability to recognize, understand, and relate to the views of others through one's life experience, background, empathy, judgment, and morals. These tools are developed and colored by social, economic, political, ethnic, and cultural influences.

We at KVL are naturally diverse, and we use that diversity to provide our clients with the best possible legal counsel through the power of our combined perspective, to get results creatively and effectively without losing sight of our clients' ultimate goals. We are sincerely committed to the advancement of our clients' businesses and legal interests and look forward to forming lasting relationships that will allow us to assist our clients beyond the issues currently before them.

*Industry expertise. Practical strategies.*

*Creative solutions. Efficient results.*

Today's complex and fast-changing economic climate demands that clients and their litigation counsel maintain strong and open lines of communication and share a common vision. At KVL, we have a broad base of experience and the skills required to provide effective representation to our clientele. Along with personalized service, responsiveness, and an attention to detail, we have the expertise and perspective to obtain the best solutions for our clients' legal problems.

# Community Involvement

KVL is actively involved in our local community. Our attorneys are members and have held leadership roles in a number of local charities and organizations. Some of these organizations include Legal Aid Service of Broward County, Coast to Coast Legal Aid of South Florida, Legal Services of Greater Miami, Hands On Miami, United Way of Broward County, the Asian Pacific American Bar Association, the Broward County Bar Association, the Caribbean Bar Association, and the Federal Bar Association. Currently, KVL attorneys hold the following positions:

- Jay Kim is a member of Board of Governors for The Florida Bar. The Board of Governors has exclusive authority to formulate and adopt matters of policy concerning the activities of the over 105,000 members of the Bar. Jay is the first Asian-American to ever hold such a position.
- Robert Vaughan is the President of the Broward County Bar Association. The BCBA is the largest voluntary bar association in Florida. Robert is the first Jamaican-American to hold the position.
- Cherine Smith Valbrun is a member of the Board of Governors for The Florida Bar Young Lawyers Division, a division covering over 28,000 lawyers.
- Tricia-Gaye Cotterell is the President of the Caribbean Bar Association.
- Kristen Palacio-Martinez is the President-Elect of the Broward County Hispanic Bar Association as well as the Chair of the Broward County Bar Association's Hispanic Lawyers' Committee.

We are deeply committed to pro bono legal work. Our attorneys have been recognized for their pro bono efforts and have received, among others, the Presidential Volunteer Service Award, Lawyers for Children America John Edward Smith Child Advocacy Award, the Daily Business Review's "Most Effective Lawyers Pro Bono Case of the Year," "Pro Bono Lawyer of the Month," "Attorney of the Year," and "Law Firm of the Year" for their pro bono efforts.

## *Kim Vaughan Lerner LLP*

### *– “Actively Involved”*

# Diversity



KVL is a minority-owned law firm and minority business enterprise, certified with the Florida Minority Supplier Development Council (FMSDC), and an active member of the National Association of Minority & Women Owned Law Firms (NAMWOLF®).

Our diversity is more than a catch phrase — it is a way of life. We rely on the diverse viewpoints and experiences of our firm’s attorneys and staff in solving our clients’ legal problems efficiently and effectively.

We believe that our diversity is to be celebrated and reflected in everything we do. We are committed to the ideal that our diversity makes us better business partners, better lawyers, better problem solvers, and better citizens of our community. For that reason, we apply a team-oriented approach to staffing all of our cases. This approach maximizes attorney availability and guarantees a diversity of perspective, experience, and expertise that enhances the business solutions and legal strategies that we bring to each engagement.

Our attorneys are active in legal and corporate programs designed to further the interests of diversity — on the bench, in the bar, and throughout the wider legal profession. Our attorneys have been panelists, organizers and co-hosts of several symposia, seminars, panels and forums on diversity in the profession and on the bench. Several of our attorneys serve on local or statewide diversity committees constituted by voluntary bar associations, The Florida Bar and the Florida Supreme Court.



# Practice Area Focus

## Commercial Litigation

We have acted as plaintiff and defense counsel through trial and appeal in a wide range of commercial litigation matters. These cases include single-issue breach of contract matters, product liability, shareholder disputes, business torts and complex multi-party defense. We have represented companies in cases alleging fraudulent, deceptive, or bad-faith practices.

We excel at all phases of multi-party defense case. From initial assessment through efficient and thorough discovery, opposition to certification motions, and ultimately at trial, KVL is well suited to provide aggressive and effective multi-party defense to our clients faced with allegations from multiple parties.

The following are some examples of the litigation cases that our attorneys have handled:

- Breach or enforcement of contract
- Consumer fraud
- Conversion and civil theft
- Fraud and misrepresentation
- Fraudulent transfers
- Malpractice
- Negligence claims
- Products liability
- Premises liability
- Purchase agreement disputes
- Construction litigation
- Real estate disputes
- Shareholder litigation
- Tortious interference with business relationships
- Trade secret and non-compete/non-solicitation
- UCC claims
- Unfair competition, business and trade practices
- Commercial and residential mortgage
- Environmental contamination

## Insurance Defense

Our goal is to provide solid, proactive analyses of claims, coordinate cost-effective but aggressive solutions with our clients, minimize our clients' risk exposure, and effectively litigate and try each matter when necessary. KVL provides defense for major insurance companies and their policyholders in first- and third-party claims involving a variety of legal issues, including premises liability, negligence, declaratory relief, and other insured claims.

# Practice Area Focus

## Employment Litigation and Counseling

KVL can address virtually any employment issue that may arise in the workplace. We routinely handle employment disputes before administrative agencies like the EEOC, in state court, in federal court, or in arbitration. Having litigated employment disputes through a jury and bench trial and final arbitral hearing, we have the ability to assess a potential claim and then implement a plan of action to prevent escalation of a problem or in the event of formal proceedings, to achieve the desired results, whether that result should be at settlement or after trial. Brian Lerner, who heads our employment practice is just one of approximately only 200 lawyers who are Board Certified by The Florida Bar as a specialist in Labor and Employment Law.

Our employment litigation experience includes handling EEOC charges of discrimination and lawsuits alleging discrimination and harassment on the basis of race, color, sex, age, disability, national origin, religion, sexual orientation, and pregnancy. We have handled multi-plaintiff and collective action litigation alleging wage and overtime violations, and claims involving violations of leave laws like the Family and Medical Leave Act (FMLA). We have handled all types of contractual disputes from breach of employment and severance agreements to disputes over non-compete agreements and customer and employee non-solicitation agreements to breaches of confidentiality or theft of trade secrets.

In addition to our extensive litigation experience, we provide counseling and advice on day-to-day workplace issues. Our counseling services include consulting on employment discipline and termination decisions, providing diversity training or management skills training, drafting or reviewing employment contracts and personnel policies, conducting internal investigations, and auditing employment practices.

Our employment experience includes the following:

- Arbitration
- Collective actions
- Confidentiality / trade secrets
- Change in control contracts
- Defamation
- Director and officer indemnification
- Disability (Americans with Disabilities Act (ADA))
- Discrimination
- Diversity training
- Employee handbooks
- Employee privacy rights
- Employment contracts
- Employment litigation
- Employment torts
- Equal employment opportunity
- Fair Labor Standards Act (FLSA)
- Family and Medical Leave Act (FMLA)
- Harassment claims
- Internal investigations
- Management training seminars
- Mediation
- Non-compete agreements and litigation
- Non-solicitation agreements and litigation
- Personnel policies
- Reductions in force
- Retaliation claims
- Severance contracts
- Sexual harassment
- Whistleblower claims



*KIM VAUGHAN LERNER*<sup>SM</sup>

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*THE POWER OF PERSPECTIVE*

## BIOGRAPHIES



*[jkim@kvllaw.com](mailto:jkim@kvllaw.com)*

**Jay Kim** is an experienced litigator who is peer-review rated “AV” by the Martindale-Hubbell law directory, its highest rating. Jay has worked extensively on complex commercial litigation matters and is widely regarded as a thorough and creative lawyer. He has litigated a wide variety of matters, including shareholder disputes, securities litigation, franchise disputes, professional malpractice, litigation relating to real estate, commercial leasing and construction, non-competition litigation, insurance litigation and commercial tort litigation.

Not content just to litigate cases for the sake of litigation, Jay takes great pride in being a problem solver. In his approach to cases, Jay strives to isolate the problem, identify the client’s specific goals, and incorporate those goals into the objectives of the litigation.

## ATTORNEY BIOGRAPHY

# Jay Kim

### Representative Experience

- Defended insurance company in property damage claims.
- Defended large retailer in consumer class action lawsuit.
- Represented financial institutions and FDIC in litigation matters.
- Represented shareholders in disputes against company.
- Represented companies in construction litigation.
- Defended accounting services firm from professional liability claims.
- Defended investor relations company in litigation with SEC.
- Represented international clients in disputes related to manufacturing and construction financing.

### Honors and Recognitions

- AV Preeminent®, MARTINDALE-HUBBELL
- Trailblazer Award, Asian Pacific American Bar Association of South Florida, 2019
- Distinguished Leader Awards, DAILY BUSINESS REVIEW, 2020
- “Top 100”, MIAMI SUPER LAWYERS, 2020
- Top Rated Business Litigation Attorney, FLORIDA SUPER LAWYERS, 2015-present
- Top Lawyer, SOUTH FLORIDA LEGAL GUIDE, 2012-present
- Legal Elite, FLORIDA TREND MAGAZINE, 2008-present
- “Top 100”, FLORIDA SUPER LAWYERS, 2017-2018, 2020
- Band 4, Litigation: General Commercial, Florida, CHAMBERS USA, 2011-2013
- President’s Pro Bono Service Award, THE FLORIDA BAR, 2015
- Pro Bono Attorney of the Year, BROWARD LAWYERS CARE, 2014
- Abogados Destacados del Sur de la Florida, REVISTAS ABOGADOS, 2013
- John Edward Smith Child Advocacy Award, LAWYERS FOR CHILDREN AMERICA, 2001

# Jay Kim

## Professional and Community Activities

- The Florida Bar
  - Governor, Board of Governors
    - Executive Committee, 2020-21
  - Fellow, Inaugural Class, Leadership Academy
  - Former Chair, Judicial Administration & Evaluation Committee
  - Former Chair, Grievance Committee
- 17<sup>th</sup> Judicial Circuit Professionalism Magistrate
- Broward County Bar Association
  - Former Board of Directors Member
  - Former Chair, Voluntary Bar Liaison Committee
- Legal Aid Service of Broward County, Past Chair of the Board
- Coast to Coast Legal Aid of South Florida, Past Chair of the Board
- Asian Pacific American Bar Association of South Florida, Director, Founding Member, and Past President
- National Asian Pacific American Bar Association, Member
- 17th Judicial Circuit Pro Bono Committee, Member
- Fellows of the American Bar Association, Member

## Languages

- Fluent in Korean

## Education

- University of Florida College of Law, J.D., with honors
  - Executive Research Editor, University of Florida Journal of Law and Public Policy
- University of Pennsylvania, B.A., Economics

## Bar Admissions

- All Florida state courts
- United States Court of Appeals for the Eleventh Circuit
- United States District Court, Southern, Middle and Northern Districts of Florida

## Professional Background

- Kim Vaughan Lerner LLP, Managing Partner
- Steel Hector & Davis LLP (now Squire Patton Boggs), Partner
- Office of the Comptroller of the Currency, Associate National Bank Examiner

# Jay Kim

## Related Articles

- “Finding the Most Effective Courtroom Persona”, ABA Law Practice Today, July 12, 2018
- Co-Author, “Why Loan Documentation Must Control Lender Behavior, Commercial Lending Review,” July - August 2008



[rvaughan@kvllaw.com](mailto:rvaughan@kvllaw.com)

## ATTORNEY BIOGRAPHY

# Robert C. L. Vaughan

### Representative Experience

- Represented various insurance companies through summary judgment and successfully on appeal in state and federal courts.
- Lead trial counsel for a major tobacco company in Engle progeny cases.
- Lead counsel in successful pre-trial defense of multi-million dollar business tort case alleging civil fraud and breach of contract.
- Lead counsel for multi-national telecommunications company in business tort case alleging federal RICO and telecommunications fraud claims.
- Lead counsel representing one defendant in \$400 million dollar RICO and fraud case.
- Advised a Fortune 500 company in the coordination, review, and audit of global data privacy policies and procedures.
- Lead counsel in Florida state and federal courts representing and advising international clients in defending civil litigation regarding multi-million dollar ponzi scheme allegations.
- Lead counsel in domestication of multi-million dollar foreign judgment and defense of \$5 million dollar breach of contract claim.
- Lead counsel for hospitality industry client in theft of trade secret and non-compete litigation. Successfully secured temporary and preliminary injunctive relief for client and enforced terms of non-compete agreement.
- Trial counsel representing a multinational corporation in defense at trial of a claim in excess of \$60 million for alleged breach of a joint venture agreement.
- Counsel to clients with litigation and transactional matters pending in the Caribbean.
- Lead trial counsel in multimillion-dollar class action litigation involving breach of contract dispute in the agricultural sector.
- Trial counsel for a client involved in defense of class action breach of contract claim; successfully secured decertification of class and subsequent denial of request for class certification.

**Robert C.L. Vaughan** focuses his practice on commercial litigation, products liability and arbitration. He represents clients in US state and federal courts and in matters pending before Caribbean courts. Robert is rated “AV” by Martindale-Hubbell, its highest rating, and has successfully tried civil and criminal cases, both bench and jury, in state and federal courts in Florida. He has participated in successful multimillion-dollar jury trials, class action litigation and multidistrict litigation.

As lead counsel, Robert has successfully represented clients in state and federal appellate courts in a wide variety of areas including complex commercial litigation, product liability, insurance defense, general contract disputes and criminal defense. Robert has represented clients in many industries including tobacco, insurance, telecommunications, agriculture, manufacturing, information technology, construction, aviation, hospitality and leisure, and finance.

# Robert C. L. Vaughan

## Honors and Recognitions

- AV Preeminent®, MARTINDALE-HUBBELL
- Band 4, Litigation: General Commercial, Florida, CHAMBERS USA, 2014-16
- Top Attorney for Business Litigation, SUPER LAWYERS BUSINESS EDITION (National), 2012-15
- Top Attorney, FLORIDA SUPER LAWYERS, 2011-20
- Top Lawyer, SOUTH FLORIDA LEGAL GUIDE, 2014-15, 2020
- Legal Elite, FLORIDA TREND MAGAZINE, 2007-10, 2012, 2015
- Top 100 Blacks in Healthcare and Law, ICABA (inaugural directory), 2009
- Abogados Destacados del Sur de la Florida, REVISTAS ABOGADOS, 2013
- Top Up and Comer, SOUTH FLORIDA LEGAL GUIDE, 2005-12
- Presidential Volunteer Service Award, HANDS ON MIAMI, 2007

## Professional and Community Activities

- Broward County Bar Association, President 2020-21
  - Chair, Bench & Bar Committee, 2015-16
  - Vice Chair, Bench & Bar Committee, 2014-15
- The Florida Bar
  - Former Vice Chair, Committee on Diversity and Inclusion
  - Former Member, Judicial Nominating Procedures Committee
  - Former Member, Leadership Academy Committee
  - Former Chair, Grievance Committee
- National Bar Association, Member
- Caribbean Bar Association, Past President, 2004-05
- International Bar Association, Business Law Section, Member
- Dade County Bar Association, Former Member Board of Directors
- Black, Latino, Asian Pacific American Law Alumni Association at New York University, Former Member, Board of Directors
- Caribbean Bar Foundation, Board Member
- Hands on Miami, Former Board of Director
- Dean's Advisory Board, FIU School of Law, Member

## Teaching

- National Institute of Trial Advocacy, Trial Skills Program, National Session Instructor
- National Institute of Trial Advocacy, Trial Skills Program, Florida Regional Trial Skills Program Instructor
- AIG Custom Advanced Trial Skills Program, 2013



# Robert C. L. Vaughan

## Teaching (cont'd)

- Cross Examining the Industry Expert, National Institute of Trial Advocacy Video Lecture, 2014
- Advocacy Teacher Training, Pristina, Kosovo (U.S. Dept. of Justice), January 2010
- Advocacy Teacher Training, Pristina, Kosovo (U.S. Dept. of Justice, Consultant), October 2010

## Education

- New York University School of Law, J.D.
- State University of New York, cum laude

## Bar Admissions

- All Florida state courts
- United States Court of Appeals for the Eleventh Circuit
- United States District Court, Southern, Middle and Northern Districts of Florida
- The Supreme Court of Jamaica, West Indies

## Professional Background

- Kim Vaughan Lerner LLP, Chair, Commercial Litigation
- Squire Sanders & Dempsey LLP (now Squire Patton Boggs), Partner/Hiring Chair
- Steel Hector & Davis LLP, Partner



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## ATTORNEY BIOGRAPHY

# Brian L. Lerner

### Representative Experience

- Represented client in defense of employment claims involving transgender status, successfully obtaining summary judgment on a portion of the claims and then obtaining directed verdict in favor of the client on all remaining claims in what may be considered the first trial in Florida on transgender employment issues.
- Represented client in connection with allegations of independent contractor misclassification in violation of the Fair Labor Standards Act, successfully obtaining partial summary judgment and then successfully obtaining a jury verdict after a seven-day federal jury trial.
- Represented client in connection with allegations of independent contractor misclassification in violation of the Fair Labor Standards Act in a three-day jury trial in federal court.
- Represented pro bono client in a five-day federal jury trial involving claims of disability discrimination and retaliation against the U.S. Department of Homeland Security. The jury awarded significant monetary damages to the pro bono client and the court awarded permanent injunctive relief for the pro bono client. The case was selected by the Daily Business Review as its “Most Effective Lawyers Pro Bono Case of the Year”.
- Represented national mortgage lending institution, three affiliates, and three high-level executives in obtaining partial summary judgment and then an arbitration defense award after a five-day AAA domestic arbitration final hearing in a matter alleging sexual harassment, retaliation, breach of contract, defamation, negligence, and tortious interference.
- Represented international financial institution in a two-week state court bench trial where the plaintiff, a former officer of the institution, sought statutory indemnification for the alleged millions of dollars incurred in defending herself against criminal charges of money laundering.
- Represented client in an eight-day state court jury trial involving claims of sexual harassment and retaliation in violation of the Florida Civil Rights Act (Florida’s equivalent to Title VII).

**Brian L. Lerner** is a Board Certified Specialist in Labor and Employment Law, one of only approximately 200 certified by The Florida Bar. Brian has litigated cases at all stages and in all types of forums—including administrative proceedings before government agencies, injunction hearings, bench trials and jury trials in state and federal courts, and final arbitration hearings.

Brian has litigated cases in a number of jurisdictions beyond Florida, including California, Colorado, Georgia, New York, New Jersey, Massachusetts, and in London, Vienna, Buenos Aires, and Tokyo. Brian strives to implement strategies designed to achieve the client’s desired results—whether early resolution, aggressive litigation, or resolution by trial. Brian is rated “AV” by Martindale-Hubbell, its highest rating.

## Brian L. Lerner

### Representative Experience (cont'd)

- Represented employers in prosecuting and defending claims (including at preliminary injunction hearings) involving employment agreements, severance agreements, change of control agreements, non-compete agreements, non-solicitation agreements, and confidentiality and trade secret agreements.
- Conducted internal investigations for companies, including serving in the capacity of a third-party neutral investigator.
- Assisted employers in drafting employment agreements, severance agreements, compensation agreements, and other contractual arrangements for executives and other highly skilled employees, in drafting employee handbooks and other personnel policies, practices, and guidelines, and in training executives, managers, and other employees in regard to employment practices, equal employment opportunity, diversity, and employee performance management.
- Assisted employers by providing day-to-day counseling and advice on issues such as leaves of absence, disciplinary actions, and employment termination.

### Honors and Recognitions

- Board Certified Specialist, Labor and Employment Law, THE FLORIDA BAR
- AV Preeminent®, MARTINDALE-HUBBELL
- Band 3, Labor and Employment: Florida, CHAMBERS USA, 2010-20
- Top Lawyer, FLORIDA SUPER LAWYERS, 2015-20
- Florida Legal Elite, Labor and Employment, FLORIDA TREND, 2014-20
- Top Lawyer, Labor and Employment, SOUTH FLORIDA LEGAL GUIDE, 2014-20
- South Florida Top Rated Lawyers, LEGAL LEADERS, 2019
- Abogados Destacados del Sur de la Florida - Laboral y Empleo, REVISTAS ABOGADOS, 2013
- Rising Star, FLORIDA SUPER LAWYERS, 2009
- Top Up and Comer, SOUTH FLORIDA LEGAL GUIDE, 2009-12
- Florida Legal Elite Up and Comer, FLORIDA TREND, 2008
- Lawyer of the Month, LAWYERS TO THE RESCUE, June 2010
- Most Effective Lawyers, Pro Bono Case of the Year, DAILY BUSINESS REVIEW, 2007

### Professional and Community Activities

- The Florida Bar
  - Executive Council Member, Labor and Employment Section
    - Volunteer of the Year (2017, 2018, 2019)
  - Co-Chair, Website Subcommittee, Labor and Employment Section
  - Co-Chair, Social Media/Advertising Subcommittee, Labor and Employment Section
  - Former Chair, Grievance Committee

## Brian L. Lerner

### Professional and Community Activities (cont'd)

- Federal Bar Association
  - Broward Chapter, Past President
  - Broward Chapter, Board of Directors Member
  - Broward Chapter, Chair, Pro Bono Committee
  - Broward Chapter, Former Chair, Media Relations/Social Media Committee
- Legal Aid Service of Broward County
  - Past Secretary
  - Former Member, Board of Directors
- Coast to Coast Legal Aid of South Florida
  - Past Secretary
  - Former Member, Board of Directors
- NAMWOLF®, Labor & Employment PAC
  - Co-Chair, Labor & Employment PAC
  - Former Co-Chair, PAC Events Subcommittee
  - Co-Chair, 2020 “Driving Diversity & Leadership Conference”
- Human Resource Association of Broward County (HRABC)
  - Former Director, Legislative Affairs
- Young President’s Club, Mount Sinai Medical Center Foundation, Member
- Federal Bar Association, Member
- Broward County Bar Association, Member

### Teaching

- National Institute for Trial Advocacy (NITA) Trial Skills Programs, Florida Regional Trial Skills Program, 2012-16

### Education

- University of Miami School of Law, J.D., magna cum laude
- University of Michigan, B.A., with distinction

### Bar Admissions

- All Florida state courts
- District of Columbia
- United States Court of Appeals for the Eleventh Circuit
- United States District Court, Southern, Middle and Northern Districts of Florida

## Brian L. Lerner

### Professional Background

- Kim Vaughan Lerner LLP, Chair, Labor and Employment
- Hogan & Hartson LLP (now Hogan Lovells US LLP), Partner
- Morgan, Lewis & Bockius LLP, Associate
- Steel Hector & Davis LLP (now Squire Patton Boggs), Associate

### Related Articles and Speeches

- TV News Expert Commentator, “Social Media Backlash: What You Post Online Can Get You Fired”, NBC6 News South Florida, June 4, 2020
- Contributing Author, “Midwinter Meeting Report of the Subcommittee on the Family and Medical Leave Act,” American Bar Association, 2004-20
- Chapter Editor, “Family and Medical Leave Act, Second Edition,” American Bar Association, Bloomberg BNA Books, 2017
- Chapter Editor, “Family and Medical Leave Act, 2015 Cumulative Supplement,” American Bar Association, Bloomberg BNA Books
- Contributing Author, “The Family and Medical Leave Act,” Treatise Cumulative Supplement, American Bar Association, Bloomberg BNA Books, 2006, 2008, 2011, 2013
- Contributing Author, “Business Torts: A Fifty-State Guide,” 2008, 2009, and 2010 Editions, Wolters Kluwer Law & Business, Aspen Publishers, Contributing Author, 2008-10
- Moderator, “The 2020 Election: The Workplace Issues Shaping The Election And The Future For Employers,” Driving Diversity & Leadership Conference, National Association of Minority and Women Owned Law Firms (NAMWOLF), February 24, 2020
- Panelist, “Federal Practice Preview Series: Labor & Employment,” NSU Shepard Broad College of Law, November 8, 2019
- Author/Speaker, “Common Law Employment Claims” 19th Labor and Employment Law Annual Update and Certification Review, January 17, 2019
- Author/Speaker, “NAMWOLF, M.E.: Autopsies of Failed Investigations,” 2018 Annual Meeting, National Association of Minority and Women Owned Law Firms (NAMWOLF), September 27, 2018
- Author/Speaker, “You Don’t Have To Be Bill Gates To Use Technology In A Case,” “Effectively Litigating Employment Cases From Inception Through Trial,” The Florida Bar Labor & Employment Law Section, September 14, 2018
- Author, “Common Law Employment Claims” 18th Labor and Employment Law Annual Update and Certification Review, January 18, 2018
- Author, “Noncompetes Are Important But Time Spent Drafting Them is More Important” South Florida Legal Guide, January 8, 2018
- Moderator, “Employment Claims in Court: A Judge’s Viewpoint,” Broward County Bar Association 2017 Bench & Bar Convention, October 20, 2017
- Program Co-Chair, “Effectively Litigating Employment Cases From Inception Through Trial,” The Florida Bar Labor & Employment Law Section, August 18, 2017

## Brian L. Lerner

### Related Articles and Speeches (cont'd)

- Moderator, "6th Annual Legal Seminar," Human Resource Association of Broward County, May 10, 2017
- Speaker, "FLSA and Wage Claims," Basic Labor and Employment 2017, The Florida Bar, April 28, 2017
- Moderator, "Labor & Employment Practice Area Committee CLE: Headline News," 2017 Business Meeting, National Association of Minority and Women Owned Law Firms (NAMWOLF), February 13, 2017
- "5 Things Restaurants Need to Know About New Overtime Laws", Insureon, Food for Thought Blog, June 9, 2016
- Author, "New Labor Department Overtime Rules to Have Widespread Impact," Daily Business Review, May 19, 2016
- Speaker, "The Sixth Sense: Six Common Scenarios and How to Analyze Them Without Calling a Lawyer," HRABC's 5th Annual Legal Seminar, Human Resources Association of Broward County, May 6, 2016
- Radio Guest, "Labor & Employment Law: Employer Rights," The Legal News & Review, WBZT 1230 AM, December 18, 2015
- "Dade Medical College hit with class action lawsuit by former employees after sudden closure," South Florida Business Journal, November 4, 2015
- Speaker, "Executive H.R. Panel – Driving Change and Innovation While Boosting Team Engagement," The South Florida Executive Roundtable, October 7, 2015
- Opening Statement/Closing Argument, "To Kill or Not to Kill – The Trial Lawyer," 2015 Annual Meeting, National Association of Minority and Women Owned Law Firms (NAMWOLF), September 17, 2015
- Panelist, "HR Matters & Insights – HR, Labor & Employment and the Bottom Line," South Florida Association for Financial Professionals, May 20, 2015
- "Foreclosure Firm Butler & Hosch Shuts Down," Daily Business Review, May 18, 2015
- "Kim Vaughan Lerner LLP Addresses the Pitfalls of Using Independent Contractors in Lieu of Employees", NALA, January 6, 2015
- Panelist, "2013 Grievance Committee Institute," The Florida Bar, May 23, 2013
- Panelist, "Diversity Week: Employment Discrimination," University of Miami School of Law, January 31, 2013
- Speaker, "The Department of Labor's Growing Interest in Targeting YOU for FLSA Violations," Setnor Byer Insurance & Risk + The Human Equation, June 16, 2010



## ATTORNEY BIOGRAPHY

# Cherine Smith Valbrun

[cvalbrun@kvllaw.com](mailto:cvalbrun@kvllaw.com)

### Cherine Smith Valbrun

concentrates her practice in complex commercial and business tort litigation matters, and e-discovery. She has extensive experience in civil litigation related to breaches of contracts, shareholder disputes, commercial construction, commercial leasing, commercial torts, and insurance defense. She has successfully domesticated out-of-country foreign money judgments and assists clients with drafting and negotiating commercial agreements.

Cherine has represented various domestic and international clients from Fortune 500 companies to small businesses and individuals in all phases of litigation and alternative dispute resolution proceedings. She represents clients from a wide variety of industries including manufacturing, telecommunications, insurers, food and beverage, retail merchandising, financial institutions, accounting services, recruiting, information technology consulting, and homeowners' associations.

### Representative Experience

- Represent financial institutions and FDIC in litigation matters.
- Represent insurance company in property damage litigation.
- Represent multi-national telecommunications company in business tort case alleging federal RICO and telecommunications fraud claims.
- Defended chemical manufacturer/distributor in an environmental contamination jury trial.
- Represented business investors in a six-day trial challenging recognition of an out-of-country foreign judgment.
- Prevailed on summary judgment against developer and buyer in a breach of contract case on behalf of real estate investor.
- Obtained award of damages, attorneys' fees, costs and statutory penalties for real estate investor in arbitration.
- Obtained judgments against a commercial retailer's vendors and the vendor's guarantors.
- Secured release of client's escrowed deposit in a dispute over the purchase and sale of a yacht.
- Obtained temporary injunction for minority shareholder in dispute over multimillion dollar sale of business.
- Defended corporation in class-action claim for breach of Florida's Deceptive and Unfair Trade Practices Act, breaches of warranties and fraud.
- Defended accounting consulting firm from professional liability claims.
- Negotiated complex commercial construction agreement on behalf of auto parts warehouse.
- Drafted and negotiated commercial leases on behalf of landlord.
- Drafted and negotiated termination of commercial lease agreements on behalf of international clients and separation agreements between shareholders/members as a result of shareholder disputes.
- Domesticated out-of-country foreign money-judgments for foreign individuals and corporations.
- Obtained favorable rulings for pro bono client in two separate one-day domestic violence and child custody trials.

# Cherine Smith Valbrun

## Honors and Recognitions

- Florida Rising Star, SUPER LAWYERS, 2010, 2015-16, 2018-2020
- Florida Legal Elite, Up & Comer, FLORIDA TREND, 2015-16
- Up & Comer Finalist, Law, SOUTH FLORIDA BUSINESS & WEALTH, 2016
- President's Distinguished Leadership Recognition, Dade County Bar Association, 2017
- Award for Recognition of Pro Bono Service, BROWARD LAWYERS CARE, 2014
- 40 Under 40 Leaders of Today and Tomorrow, LEGACY MAGAZINE, 2014
- Influential Caribbean Women, KARIB NATION, INC., 2011

## Professional and Community Activities

- The Florida Bar
  - Governor, 17th Judicial Circuit, Board of Governors, Young Lawyers Division
  - Appointed Member, Standing Committee on Professionalism
  - YLD Representative, Business Law Section of the Florida Bar
  - Fellow, Class III, Leadership Academy
  - Business Law Fellow, 2013-15
- Broward County Bar Association, Professionalism Committee Member
- Caribbean Bar Foundation, Board Member, 2010–present
- Caribbean Bar Association
  - Past-President, 2009-10
  - Board Member, 2007-11
- Legal Services of Greater Miami, Board Member
- National Bar Association, Member

## Teaching

- Settlement Strategy Without Sacrificing Trial, In House training
- 8th Annual Circuit Court and Litigation Boot Camp: The Nuts and Bolts, 2019
- E-Discovery for Trial Lawyers, Florida Bar 2019
- Using Documents at Depositions, Legal Services of Greater Miami
- Written & Electronic Discovery, Legal Services of Greater Miami
- Legal Malpractice Summit, Case Law Update, Broward County Bar Association

## Education

- Georgetown University Law Center, J.D.
- University of Miami, B.A., cum laude



# Cherine Smith Valbrun

## Bar Admissions

- All Florida state courts
- United States District Court, Southern District of Florida

## Professional Background

- Kim Vaughan Lerner LLP, Chair, Insurance Defense Practice Group
- Steel Hector & Davis LLP (now Squire Patton Boggs), Legal Intern
- District of Columbia, Public Defender's Office, Legal Extern
- DunnCox Law Firm, Law Clerk
- Washington Gas & Light Co., Legal Department, Legal Intern



*lstorye@kvllaw.com*

## ATTORNEY BIOGRAPHY

# Leah B. Storie

### Representative Experience

- Represented an agency of the government of El Salvador in an arbitration proceeding involving ownership interests in geothermal generation facilities and defects in the related generation equipment.
- Represented Ecuadorian soft drink bottling company in ICDR arbitration regarding shareholder dispute.
- Represent multi-national telecommunications company in business tort case alleging federal RICO and telecommunications fraud claims.
- Represented a cruise line in an ICC proceeding over exclusive rights to use a port of call in the Dominican Republic.
- Represented US-based, international food distributor in domestic courts against multinational manufacturing conglomerate regarding trademark infringement claims and validity of foreign distribution embargo enforcement.
- Represented a tortured journalist from Haiti against the Republic of Haiti before the Inter-American Commission on Human Rights.
- Represented an Ecuador-based airline in New York state court against US-based aircraft sub-lessors.
- Represented a respondent in an ICC proceeding in Jamaica arising from a corporate dispute.
- Represented international clients in US courts regarding foreign trust and estate claims.
- Represented multinational companies in federal and state proceedings seeking to domesticate and enforce out-of-country judgments.
- Represented several foreign companies seeking discovery in the US for aid in foreign proceedings.
- Securing landmark US\$27.5 million judgment against the Republic of Cuba and the Cuban Communist Party on behalf of a relative of a living political prisoner based upon the Tortured Victim Protection Act, the Alien Tort Claims Act and the Foreign Sovereign Immunities Act (*Saludes v. Republica de Cuba, et al.*, 655 F. Supp. 2d 1290 (S.D. Fla. 2009)).

# Leah B. Storie

## Professional and Community Activities

- The Florida Bar
  - International Litigation and Arbitration Section, Annual Conference Steering Committee
  - Vis Pre-Competition Moot Volunteer Arbitrator, 2009
- American Bar Association, International Law Section, Annual Meeting Host Committee, Fall 2009
- University of Miami School of Law Young Alumni, Board Member

## Education

- University of Miami School of Law, J.D., 2007
  - Editor in Chief, International and Comparative Law Review
  - Executive Secretary, International Moot Court Board
  - Dean's List; Fall 2004, Fall 2005
  - Phi Delta Phi, Legal Honors Fraternity (Treasurer, 2005-6)
  - Priscilla Jewett Schneller Scholarship
  - J. Donald and Agnes E. Schoecraft Law Scholarship
- University of North Carolina at Chapel Hill, B.A., 2003

## Bar Admissions

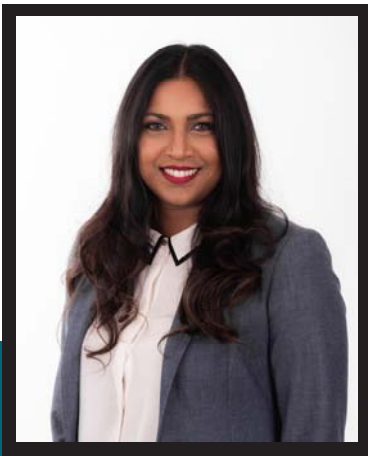
- All Florida state courts
- United States Court of Appeals for the Eleventh Circuit
- United States District Court, Southern District of Florida

## Professional Background

- Kim Vaughan Lerner LLP, Of Counsel
- Squire Sanders & Dempsey LLP (now Squire Patton Boggs), Attorney
- Womble, Carlyle, Sandridge, & Rice LLP, Summer Associate
- North Carolina Legal Aid, Legal Intern

## Related Articles and Speeches

- "Balancing Act: Productivity can soar when working from home," The Miami Herald, October 13, 2015



## ATTORNEY BIOGRAPHY

# Anisha C. Atchanah

[aatchanah@kvllaw.com](mailto:aatchanah@kvllaw.com)

**Anisha C. Atchanah** focuses her practice on commercial litigation with an emphasis on Business/Corporate litigation, premises liability matters and insurance defense. She has worked on matters involving complex commercial contract disputes, shareholder litigation, business torts, and first party and third party property insurance disputes. Anisha joined the firm after obtaining extensive experience in the areas of foreclosure and condominium/homeowners' association litigation. Her experience spans across all areas of litigation, including motion practice, brief drafting, legal research, fact discovery, mediation/settlement negotiations and trial preparation.

### Professional and Community Activities

- Board of Directors 2017-Present, Young Lawyers Section of the Broward County Bar Association
- Former Board of Director, Family Central, Inc.
- Member, Florida Bar Grievance Committee
- Member, Legal Needs of Children Committee
- Member Caribbean Bar Association
- Mentor, The Florida Bar, Young Lawyers Division, Law Student Division
- Volunteer, Amnesty International Miami Chapter

### Education

- Florida International University College of Law, J.D.
  - Local Government Law Book Award
  - Florida Bar City, County and Local Government Section Law Student Award
  - Dean's List, Spring 2009, Fall 2009, Spring 2010
  - Student Bar Association, Treasurer
  - Caribbean Law Student Association, Member
- Florida Atlantic University, Masters, cum laude
- University of Florida, B.A.
  - Phi Alpha Delta Pre-Law Fraternity
  - Golden Key Honor Society
- Caribbean Student Association, Treasurer

### Bar Admissions

- All Florida state courts
- United States District Court, Southern District of Florida

### Professional Background

- Mirza Basulto & Robbins, LLP, Litigation Attorney
- Ice Legal, P.A., Litigation Attorney
- Robbins, Tunkey, Ross, Amsel, Raben & Waxman, P.A., Clerk
- 11th Judicial Circuit, Public Defender's Office, Intern



## ATTORNEY BIOGRAPHY

# Kristen L. Palacio-Martinez

*[kpalacio@kvllaw.com](mailto:kpalacio@kvllaw.com)*

**Kristen L. Palacio-Martinez** focuses her practice on commercial litigation matters, with an emphasis in insurance-related matters. Prior to becoming a lawyer, Kristen spent nearly eight years in the real estate world, where she had overall responsibility for sales and leasing operations for over 1,000 units in multiple communities. Kristen's real estate experience included coordinating efforts with title companies, mortgage specialists, realtors, sales personnel, and contractors, assisting in sales negotiations, training and supervising sales and leasing staff, and handling human resources functions.

### Representative Experience

- Represented insurance company in property damage and breach of contract claims.
- Defended governmental agencies in premises liability actions.
- Defended employees against claims of tortious interference and breach of non-solicitation agreements against former employer.
- Defended past employee against claims of breach of contract and Florida Deceptive and Unfair Trade Practices Act against a mortgage banking firm.
- Represented entities in an action involving claims of breach of contracts, unjust enrichment, breach of fiduciary duties, and injunctive relief as a result of a business split involving over \$2 million in dispute.
- Represented an international and logistics company in an action involving breach of contract and unjust enrichment claims.
- Represented a timeshare company against breach of contract claims.
- Represented tenants in a residential breach of contract case for return of liquidated damages against former landlord.
- Represented homeowners in dispute with financial institution involving Fair Credit Reporting Act (FCRA) and Florida Consumer Collection Practices Act (FCCPA) claims.
- Defended international clothing retailer in defense of premises liability action.
- Defended condominium unit owners in disputes with condominium association.
- Represented condominium and homeowners associations in matters related to foreclosures, liens, declaration of covenants, conditions, and restrictions, and bylaws.

# Kristen L. Palacio-Martinez

## Professional and Community Activities

- Broward County Hispanic Bar Association, President-Elect
- Broward County Bar Association Hispanic Lawyers' Committee, Chair
- Broward County Bar Association, Member
- Cuban American Bar Association, Member
- Cuban American Bar Association, Publications Committee, Member
- The Florida Bar Diversity and Inclusion Committee, Member
- Licensed Real Estate Sales Associate

## Languages

- Fluent in Spanish

## Education

- Nova Southeastern University, Shepard Broad Law Center, J.D.
- Nova Southeastern University, B.S.

## Bar Admissions

- All Florida state courts
- United States District Court, Southern District of Florida

## Professional Background

- Association Law Group, Attorney
- Mestre Law Firm, Clerk
- Manuel Vazquez, P.A., Clerk



## ATTORNEY BIOGRAPHY

# Tricia-Gaye Cotterell

[tcotterell@kvllaw.com](mailto:tcotterell@kvllaw.com)

**Tricia-Gaye Cotterell** focuses her practice on commercial litigation matters, with an emphasis in insurance-related matters and labor and employment disputes. Prior to becoming a lawyer, Tricia spent several years working for Jamaica's Houses of Parliament. Tricia also spent several years working for the Institute of Chartered Accountants of Jamaica, charged with maintaining standards for entry to the accountancy profession, and for issuing professional licenses.

### Professional and Community Activities

- Caribbean Bar Association, President 2019-20
- Kozyak Minority Mentorship Foundation, Fellowship Committee
- Broward County Bar Association, Mentorship Committee
- Cooper City Church of God, Small Groups Facilitator, 2011-present
- Guardian ad Litem Program, 17th Judicial Circuit, 2011-14

### Education

- Nova Southeastern University, Shepard Broad Law Center, J.D., summa cum laude
  - Nova Law Review, Vol. 40, Alumni Relations Editor
  - Jessup International Moot Court Team, Top Ten Best Oralists, U.S. Southern Region
  - Dean's List, All Semesters
  - Pro Bono Honors, Silver Level
  - Dean's Certificate of Professionalism, 2013-14, 2015-16
  - Joseph & Helen Varon Merit Scholar, 2014-16
  - TJ Reddick Bar Association 2015 Scholarship Recipient
  - Vice President, Pulse! Health Law Society
  - Public Relations Officer, Caribbean Law Students Association
- University of London External Program, Bachelor of Laws
- University of the West Indies, Bachelor of Arts, Linguistics

### Bar Admissions

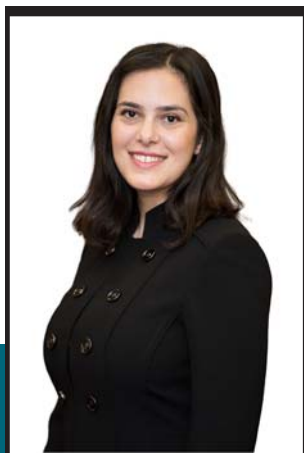
- All Florida state courts
- United States District Court, Southern District of Florida.

# Tricia-Gaye Cotterell

## Professional Background

- Judicial Intern, United States District Court for the Southern District of Florida, Honorable Donald Graham, Senior District Judge
- Research Assistant to Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad Law Center
- Legal Intern, Florida Department of Health
- Junior Corporate Secretary, Victoria Mutual Building Society
- Project and Research Officer, Institute of Chartered Accountants of Jamaica
- Research Officer, Houses of Parliament, Jamaica





## ATTORNEY BIOGRAPHY

# Shari E. Scalone

[sscalone@kvllaw.com](mailto:sscalone@kvllaw.com)

**Shari E. Scalone** focuses her practice on commercial litigation as well as insurance defense matters involving property damage and premises liability. Prior to joining KVL, Shari devoted herself to various areas of construction law and family law. Her litigation experience included representation of developers and contractors in construction defect claims, as well as representation of design professionals in professional liability claims. In addition, Shari also spent several years practicing family law, both in the private sector as well as on behalf of the Florida Department of Revenue.

Shari's experience is heavily tied to litigation, including legal writing and research, discovery, motion practice, mediation, settlement, and trial preparation.

### Representative Experience

- Represented insurance companies, contractors, and underground utilities companies in property damage claims.
- Represented developer and general contractor in a construction defect claim involving a multi-story luxury condominium with disputed damages exceeding \$30 million.
- Defended property management company in fraud, breach of fiduciary duty, and conversion claim.
- Defended contractors and subcontractors in various mold claims stemming from construction defects.

### Professional and Community Activities

- The Florida Bar, Member
- Broward County Bar Association, Member and Articles Contributor
- Broward County Bar Association, Publicity and Publications Committee, Member
- Broward County Bar Association, Hispanic Lawyers' Committee, Member
- Broward County Gator Club, Board Member

### Languages

- Fluent in Spanish

### Education

- Benjamin N. Cardozo School of Law, J.D.
- University of Florida, B.A.

### Bar Admissions

- All Florida state courts
- United States District Court, Southern District of Florida

### Professional Background

- Cole, Scott & Kissane, P.A., Associate Attorney
- Office of the Attorney General, Child Support Enforcement, Assistant Attorney General
- The Law Offices of Daniel S. Rakofsky, P.A., Associate Attorney



## ATTORNEY BIOGRAPHY

# Cindy Y. Kim

[cindykim@kvllaw.com](mailto:cindykim@kvllaw.com)

Cindy Y. Kim focuses her practice on real estate transactional matters. She has extensive experience in all aspects of residential and commercial real estate transactions, including acquisition and disposition on behalf of purchasers and sellers and commercial financing on behalf of lenders.

### Representative Experience

- Represented a major developer in simultaneous closings for several large pre-construction condominium projects in downtown Miami.
- Represented a major international corporation and Fortune Global 500 guarantor in the acquisition, financing, and construction of a warehouse.
- Represented a global bank in closing two towers in one of the largest condominium projects in Miami.
- Represented buyers and sellers in purchase, sale, financing, and workouts of residential and commercial real property.

### Education

- University of Iowa College of Law, J.D., with distinction
  - Editor-in-Chief, Journal of Gender, Race & Justice
  - Founder and Co-President, Asian Pacific American Law Students Association
  - Dean's Achievement Award
- Wesley Theological Seminary. Master of Divinity, *magna cum laude*
  - Member, President's Committee
  - Treasurer, Student Body Association
  - Excellence Award in Honor of Kyung Lim Shin Lee
  - Biblical Studies Award
- University of Iowa, Bachelor of Business Administration

### Bar Admissions

- All Florida State Courts

### Professional Background

- Kim Vaughan Lerner LLP, Of Counsel
- Kim & Lowman, LLP, Managing Partner
- Ninth Judicial District for Grand Rapids, Minnesota, Law Clerk to Chief Judge Lois Lang
- Phelan Tucker Mullen Walker Tucker Gelman LLP, Clerk



*KIM VAUGHAN LERNER*<sup>SM</sup>

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