

## Richard S. Davis

### Partner/Retired

[rsd1@outlook.com](mailto:rsd1@outlook.com)

Miami



Richard Davis has practiced complex commercial litigation for more than 35 years. He is a member of the firm's Securities Enforcement & Litigation; Consumer Law, Finance & Class Action, and Commercial Litigation Practices. He also has extensive experience in health care, distribution and franchise, and hospitality matters.

Prior to joining Foley & Lardner, Rich was a litigation partner with the Chicago office of Rudnick & Wolfe, a predecessor firm to DLA Piper. From 1994 to 2006, he worked in Foley's former West Palm Beach office. Rich, who resides in Boca Raton, maintains an active practice throughout South Florida, as well as elsewhere in the state.

### Representative Experience

- Won dismissal, with prejudice, of a multimillion-dollar consumer class action lawsuit alleging that a real estate developer wrongfully required purchasers to buy title insurance. (U.S. District Court, Miami)
- Won dismissal of a product mislabeling case alleging violations of Florida's Deceptive and Unfair Trade Practices Act, and seeking the removal of a nationally known consumer product from hundreds of retail stores in Florida, plus damages. (Circuit Court, County Court, West Palm Beach)
- Won judgment as a matter of law (directed verdict) on the fourth day of a jury trial for an investment company client. The client's former chief operating officer sought more than US\$10m in damages on Equal Pay Act and Title VII claims. (U.S. District Court, Orlando)
- Won summary judgment, as co-counsel for a Fortune 50 company, in a lawsuit alleging breach of contract and fraud claims related to the company's alleged failure to contribute US\$7m to a start-up technology venture. (U.S. District Court, West Palm Beach)
- Won dismissal of two underwriting firms from a securities fraud class action lawsuit arising from a public company's US\$20m initial public offering. (U.S. District Court, Miami)

- Won dismissal of a former investment advisor to Miami-Dade County from a tortious interference lawsuit brought by one of the County's former bond underwriting firms. (U.S. District Court, Miami)
- Obtained dismissal for a Fortune 50 company of four lawsuits filed by a health care provider alleging underpayment by a health insurance plan provider. (U.S. District Court, West Palm Beach, and Circuit Court, West Palm Beach)
- Obtained dismissal of a defamation action, for a Fortune 50 company, for 0.01% of US\$3m in claimed damages by the plaintiff's acceptance of an Offer of Judgment. (Circuit Court, Tavernier/Key Largo)
- Won summary judgment, as co-counsel for a Fortune 50 company, of a seven-figure lawsuit alleging defamation and tortious interference claims. (Circuit Court, Orlando)
- Won a seven-figure arbitration award against a public company for its failure to timely process a former director's exercise of stock options. (Private arbitration, Orlando)
- Successfully settled, on behalf of a public company and its directors, a securities fraud class action lawsuit arising from the company's US\$37m initial public offering. (U.S. District Court, Tampa)
- Successfully settled, as co-counsel for a leading website hosting provider, a consumer class action lawsuit alleging a Florida Deceptive and Unfair Trade Practices Act claim, for small percentages of the damages and attorney's fees sought. (Circuit Court, Fort Lauderdale)
- Represented a public company and its directors in seven class action lawsuits seeking to enjoin a US\$200+m acquisition of the company's stock. (U.S. District Court, Tampa, and Circuit Court, St. Petersburg)
- Successfully settled various litigation asserting claims for breaches of stock purchase, asset acquisition and shareholder agreements; breaches of franchise agreements; breaches of non-competition agreements; misappropriation of trade secrets and trademark infringement.

## Awards and Recognition

- Rich has been Peer Review Rated as AV Preeminent®, the highest performance rating in the Martindale-Hubbell® Peer Review Ratings™ system.

## Community Involvement

- Former member of the boards of Junior Achievement of the Palm Beaches and the Young Adult Division of the Jewish Federation of South Palm Beach County.
- Former tutor in the Fourth Presbyterian Church program for disadvantaged youth in Chicago
- Former mentor in the Brandeis University Career Beginnings program
- Former volunteer in the *Chicago Sun-Times* Homework Hotline program

## Presentations and Publications

- "Eleventh Circuit Vacates Pre-*Spokeo* 'Beat the Clock' FACTA Class Action Settlement for Lack of Standing Post-*Spokeo*," *JD Supra* (December 16, 2020)
- "Divided Eleventh Circuit Panel Bars Incentive Awards for Class Representatives in Class Action Settlements," *JD Supra* (September 23, 2020)

- “Supreme Court Rejects Tolling Argument for Nonnamed Class Members’ Section 11 Claims,” *The National Law Review* (June 26, 2017)
- “Florida Class Action Case Law Aligns With Comcast Ruling,” *Law360* (Appellate, Class Action, Consumer Protection, Florida) (November 25, 2014)
- “Mum’s The Word on Fla.’s Muddled Commonality Standard,” *Law360* (Appellate, Class Action, Consumer Protection, Florida) (November 5, 2014)
- “Three Major Supreme Court Decisions on the 1934 Act During 2011,” *Legal News: Securities Enforcement & Litigation* (November 28, 2011)

## Sectors

- [Health Care & Life Sciences](#)
- [Hospitality Litigation](#)
- [Pharmaceuticals](#)

## Practice Areas

- [Consumer Law, Finance & Class Action Group](#)
- [Distribution & Franchise](#)
- [Litigation](#)
- [Securities Enforcement & Litigation](#)

## Education

- Northwestern University Law School (J.D., 1984)
  - Served on the editorial board of the *Journal of Criminal Law and Criminology*
- Northwestern University (B.S., with honors, 1981)
  - Journalism

## Admissions

- Florida
- 7th Circuit Court of Appeals
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin