

## Appellate

Trenam's Appellate Law Group combines the firm's litigation skills and knowledge of substantive law with the unique laws, rules and procedures governing appeal proceedings to provide our clients with appellate expertise in every phase of litigation, both civil and criminal. Whether during trial or after, to preserve a hard-won victory or reverse an unfavorable outcome, Trenam's Appellate Law Group has the experience and depth needed to effectively represent our clients.

Our appellate law attorneys have extensive experience in state and federal appellate courts, handling all types of appeals including commercial litigation appeals, bankruptcy appeals, probate & guardianship appeals, family law appeals, and administrative law and local government appeals. Among these attorneys are a Florida Bar board certified appellate attorney as well as former appellate court clerks and senior attorneys with decades of experience in all phases of litigation. In today's highly specialized marketplace, clients need such expertise to navigate the complex and unique world of appellate courts.

The Appellate Law Group handles all appellate aspects of litigation, including:

- Interlocutory Appeals
- Post-Trial Motions
- Post-Trial Appeals
- Extraordinary Writs

In addition, our appellate law attorneys provide litigation support and trial counseling on procedural and substantive issues, assisting trial counsel to best position each case at trial and for subsequent appellate review.

### REPRESENTATIVE MATTERS:

- Secured affirmances of judgment holding claim is excepted from chapter 13 discharge where the loan is current on the petition date, there is no default to be cured and the debtor proposes to maintain monthly contractual payments directly to lender. *Dukes v. Suncoast Credit Union (In re Dukes)*, 2016 WL 5390948 (M.D. Fla. Sept. 27, 2016); *Dukes v. Suncoast Credit Union (In re Dukes)*, 909 F. 3d 1306 (11th Cir. 2018). In affirming, the Eleventh Circuit decided – as a matter of first impression – the meaning of “provided for” in 11 U.S.C. § 1328(a). The Eleventh Circuit held that a Chapter 13 plan that states mortgage payments would continue to be made directly to the creditor outside of the plan does not “provide for” the mortgage debt and therefore that debt is not discharged by the successful completion of the plan.
- Secured affirmances of (a) settlement agreement reached by chapter 7 trustee with primary creditor over debtor's objection and (b) denial of debtor's motion to convert chapter 7 case to one under chapter 11. *Daughtrey v. Rivera (In re Daughtrey)*, 2015 WL 5604764 (M.D. Fla. 2015); *Daughtrey v. Rivera (In re Daughtrey)*, 896 F. 3d 1255 (11th Cir. 2018). In affirming, the Eleventh Circuit determined, as a matter of apparent first impression in the circuit, the “abuse of discretion” standard of review applies to a bankruptcy court's denial of a motion to convert a Chapter 7 case to one under chapter 11.
- Secured affirmance from the Eleventh Circuit of trial court judgment in favor of Grammy Award winning music group in a trademark ownership trial regarding ownership of the band's name, preventing improper use of the group's name by a former member of the group, including a worldwide permanent injunction.
- Secured affirmance of judgment in excess of \$36 million after contentious trial in complex business contract dispute and collected more than \$40 million for client shortly thereafter.
- Secured affirmance of a jury verdict on claims for breach of fiduciary duty, fraud and violation of franchise and securities statutes.
- Secured reversal of judgments entered against an individual in a partnership dispute.
- Secured affirmance of a final judgment to disburse to lender surplus proceeds from a tax deed sale when borrower asserted that the mortgage lien was eliminated in borrower's bankruptcy.
- Secured affirmance of a final judgment of foreclosure when borrower argued that lender did not meet its evidentiary burden when borrower's affidavit raised disputed issues of fact.
- Secured affirmance of judgment validating a Trust when the beneficiaries of a Will asserted that language in the Will revoked the Trust instrument.
- Secured affirmance of an order dismissing with prejudice tenant's complaint against landlord for improper eviction and civil theft of property.
- Secured affirmance of an order dismissing claim for patent infringement. *Taylor v. Taylor Made Plastics, Inc.*, 565 F. App'x 888 (Fed. Cir. 2014).
- Secured reversal of judgment dismissing fraudulent transfer claim because initial transferee failed to prove he acted in good faith, which was required to establish the mere conduit defense to a fraudulent transfer. *Martinez v. Hutton (In re Harwell)*, 628 F.3d 1312 (11th Cir. 2010).
- Secured reversal of order denying equitable lien claim because fraud exception to Florida's homestead exemption applied. *LaMarca v. Jansen (In re Bifani)*, 580 F. App'x 740 (11th Cir. 2014).
- Secured affirmance of settlement agreement reached with primary creditor over debtor's objection.
- Secured affirmance of order dismissing complaint for breach of fiduciary duty arising from criminal trial and affirmance

- of post-trial motion related to same.
- Secured affirmance of order dismissing plaintiff's conspiracy claim against condominium association and the association's counsel.
- Secured affirmance of orders denying post-trial motions following judgment of no liability in negligence action filed against condominium association.
- Secured affirmance of an order denying motion for attorneys' fees. *Gross v. Fuss*, 77 So. 3d 185 (Fla. 2d DCA 2012).
- Secured affirmance of a temporary injunction in a trademark infringement matter.
- Secured affirmance of an order denying change of venue

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