



Evan B. Klinek

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With more than 20 years of litigation experience in state and federal court, Evan B. Klinek serves as Co-General Counsel of Greenspoon Marder LLP and is a member of the Firm's Litigation practice group.

As Co-General Counsel of the Firm, Mr. Klinek advises the Firm on areas of professional responsibility and risk management, including on issues involving conflicts, ethics, Firm policies, contracts, compliance issues, and litigation.

Mr. Klinek is an innovative and business savvy attorney who develops a comprehensive understanding of his clients' businesses and objectives to develop creative solutions for their most complex problems. He is an experienced first chair trial lawyer handling high stake matters from inception through trial and appeal. Mr. Klinek's diverse practice covers a broad spectrum of areas and industries including: admiralty and maritime; aviation; automobile dealerships and financing; contested bankruptcy matters; contract disputes covering a wide array of issues; consumer finance; creditor's rights and collections; cyber-squatting; fraud and deceptive trade practices; non-competition agreements; partnership and shareholder disputes; professional negligence and licensing issues; complex and convoluted real estate disputes and workouts; TCPA violations and other statutory claims; and other sundry business litigation matters. Additionally, Mr. Klinek represents clients in highly regulated industries in a national litigation and arbitration practice including, but not limited to, the debt settlement and debt relief industry. Mr. Klinek also has extensive experience representing financial institutions in contested collection and lender liability claims and for purported violations of FDCPA, RESPA, TILA, FCRA and fraud. Moreover, Mr. Klinek has extensive experience representing secured and unsecured creditors in all facets of Chapter 7, 11 and 13 bankruptcy proceedings, including adversary proceedings and contested matters. Mr. Klinek also represents clients facing governmental and administrative investigations and enforcement actions.

Representative Experience

- Ongoing representation of a global finance company in complex commercial disputes involving (i) UCC issues; (ii) contract claims and defenses; (iii) claims for supposed fraud, usury and deceptive trade practices; and (iv) novel issues related to specialized collateral (including aircraft, seafood, commodities, perishable goods and construction and mining equipment).
- Ongoing representation of numerous franchised automobile dealerships involving a multitude of claims asserted by consumers and employees. Successfully litigated numerous matters through trials in state and federal court and through arbitration. Statutory claims litigated include, but are not limited, to TCPA, ADA, Title VII, DUTPA, TILA, Florida Motor Vehicle Retail Sales Finance Act, Florida Consumer Collection Practices Act, Florida Fair Credit Services Organization Act, and the Florida Motor Vehicle Repair Act.
- Ongoing representation of a large international yacht dealer for new vessels and brokerage for used and charter vessels. Successfully litigated and arbitrated numerous matters in Florida and several other states. In one noteworthy case, Mr. Klinek defended and secured a complete victory for his client after a multi-day arbitration hearing alleging deceptive trade practices and fraud surrounding the sale and trans-Atlantic delivery of a new yacht damaged during its maiden voyage, wherein his client also recovered a significant award for prevailing party attorney's fees and costs.
- Ongoing continuous national representation of various companies and law firms involved in the debt settlement industry. Litigated claims made by consumers, regulators and bankruptcy trustees in state court, federal court and in arbitrations. Some of the litigated

claims were for alleged violations of statutory laws governing debt negotiation, debt relief and consumer protection statutes and for fraud.

- Ongoing national representation of various companies involved in sales, marketing and development of timeshare and interval ownership resorts. Litigated claims made by customers and regulators alleging violations of various consumer protection statutes as well as involving contract and tort claims.
- Ongoing representation of large banks and financial institutions in a wide array of matters including litigating Creditor's Rights (in state and federal courts) and defending banks against claims asserted by customers and dealing with non-party subpoenas. For example, he obtained dismissal of several federal court lawsuits brought against a large financial institution for purported violations of TILA, RESPA, FDUTPA and fraud. In 2019, Mr. Klinek prevailed after a multi-day trial on behalf of a large bank and defeated a borrower's defenses of statute of limitations, the bank's issuance of multiple IRS Form 1099's charging off the large indebtedness and triggering tax consequences for borrower and the borrower's denial that he signed key loan documents at issue.
- Obtained voluntary dismissal with prejudice on behalf of all clients sued in a very contentious lawsuit with tens of millions of dollars at issue involving claims alleging breach of joint venture, tortious interference, fraud and conspiracy. During the pendency of the lawsuit, Mr. Klinek negotiated an agreement with plaintiffs allowing his clients to encumber and ultimately sell a portion of the real property at issue for in excess of \$40 Million and without having to escrow any proceeds.
- Represented contract purchaser of a golf course and country club subject to a restrictive covenant requiring the majority approval of adjacent residents for redevelopment of the property. Successfully resolved a mass-action lawsuit filed by in excess of 100 residents against his client challenging its efforts to redevelop the property. After obtaining dismissal of multiple claims and numerous plaintiffs, Mr. Klinek enabled his client to very quickly and favorably resolve the remaining claims and sell its contract rights prior to closing for a significant profit. The real property at issue was redeveloped as a large housing community by a national publically traded developer.
- Represented a multinational residential real estate developer that purchased a loan secured by a vast tract of land it wanted to acquire for a large housing development. Prevailed in a very contentious lawsuit resulting in his client acquiring the equity shares of the borrower through a "self-help" UCC sale and, thereafter, obtaining title to the property via a foreclosure sale along with a significant money judgment against all guarantors for several million dollars.
- Represented creditor owed in excess of \$24 Million dollars secured by a large resident-owned mobile home park (with hundreds of lots) that was also incorporated as a town. Mr. Klinek represented his client in a very contentious state court lawsuit, the intervening Chapter 11 bankruptcy case (which he got dismissed) and the subsequent sale by his client of its interest in the community to a national RV resort operator.
- Represented owner of a nationwide collection of high-end restaurants and prevailed in a real estate lease dispute involving their highest grossing location. Landlord attempted to evict his client from an extremely valuable leasehold so it could redevelop the property as a high-rise waterfront condominium. Landlord sought to take advantage of a provision in the lease requiring expedited conclusion of arbitration within 30 days from the filing of arbitration demand. Landlord claimed material breaches due to numerous supposed environmental violations, land use and construction issues (some of which related back to construction of the restaurant building by Mr. Klinek's client ten years before the arbitration was initiated). Mr. Klinek rapidly mobilized and retained skilled experts, formulated a defense strategy and prepared and tried a four-day arbitration proceeding (wherein the case started at 8 a.m. and finished at 8 p.m. daily). Mr. Klinek's client prevailed and obtained a unanimous award from the three arbitrators.
- Represented purchaser of a multi-story condominium penthouse seeking return of a large deposit based on alleged fraudulent nondisclosures. Mr. Klinek's client previously rented and seasonally resided in the subject unit for several years prior to entering into a contract for its purchase. Mr. Klinek prevailed after a six day trial and his client recovered their full deposit along with a significant recovery for prevailing party attorney fees and costs.
- Mr. Klinek has tried numerous fraudulent transfer cases in bankruptcy courts throughout Florida.
- Represented owner and operator of large cruise ships with numerous disputes arising from their sales and marketing efforts as well as claims stemming from the extensive renovation and conversion of a particular vessel. In one noteworthy case, Mr. Klinek was a key part of the trial team that obtained judgment in favor of his client after appealing and obtaining reversal of a trial court's award of compensatory and punitive damages in a tortious interference claim.
- Obtained directed verdict on behalf of multiple defendants sued for breach of fiduciary duty, breach of contract, civil conspiracy and quantum merit after a five-day trial.
- Obtained dismissal of a multi-asset Chapter 11 case and prospective relief from stay on behalf of a mortgagee owed several million dollars, whereby Judge's dismissal order also precluded anyone who made claim of any interest in any of the Debtor's real estate from filing a Petition for Bankruptcy for 180 days.

Court Admissions

- U. S. District and Bankruptcy Court, Southern District of Florida
- U. S. District and Bankruptcy Court, Middle District of Florida
- Eleventh Circuit Court of Appeals

Bar Admissions

- Florida

Education

- J.D., University of Miami School of Law, 1997
- B.A., Political Science, University of Florida, *cum laude*, 1994

Practice Areas

- Financial Services
- Bankruptcy and Reorganization
- Collections & Creditors' Rights
- Litigation
- Automotive

Industries

- Admiralty and Maritime
- Automobile and Boat Dealerships
- Banking and Financial Institutions
- Debt Settlement and Debt Relief
- Health Care
- Resort and Timeshare
- Real Estate

Professional and Community Involvement

- Bankruptcy Bar Association of Southern District of Florida, Member
- Broward County Bar Association, Member
- Chair of 17th Judicial Circuit Unlicensed Practice of Law Committee "C," 2010-2015
- March of Dimes of Broward County, 2009-2014
 - Signature Chefs, Committee Member

Recognitions

- *Martindale-Hubbell*, Rated AV Preeminent®
- *South Florida Business & Wealth* magazine, Finalist, "Leaders In Law," Litigation, 2015
- *The American Lawyer* magazine, South Florida's Top Rated Lawyers, 2012

In the News

- Featured, "Car Dealership Gets TCPA Suit Sent to Arbitration," *Law360*, March 27, 2019

News

- Greenspoon Marder Attorneys Receive 2018 AV Preeminent Rating By Martindale-Hubbell

- Greenspoon Marder Attorneys Receive 2017 AV Preeminent Rating By Martindale-Hubbell
- Greenspoon Marder Announces New Shareholders
- Greenspoon Marder Attorney Receives Appointment by Supreme Court of Florida

