

## James C. Gavigan, Jr.

Shareholder

### Contact

jgavigan@jonesfoster.com

561 650 0419

### Location

505 South Flagler Drive

Suite 1100

West Palm Beach

Florida 33401

### Honors & Distinctions

#### Best Lawyers in America

Ones to Watch, Administrative/Regulatory Law; Commercial Litigation; Eminent Domain & Condemnation Law, 2021

#### Florida Trend

Legal Elite Up & Comer, Commercial Litigation, 2017, 2020

#### Daily Business Review

Most Effective Lawyers, Finalist, Intellectual Property, 2016

### Education

J.D., University of Florida

B.A., Georgetown University

### Admissions

The Florida Bar

U.S. Supreme Court

U.S. District Court, Southern District of Florida



Jamie Gavigan focuses his practice in the area of complex commercial litigation with a particular emphasis on real estate, land use and zoning, eminent domain and property rights. Jamie represents clients in a wide variety of industries, including real estate, local government, hospitality, and medical, to resolve disputes involving breach of contract, business torts, intellectual property, and property rights such as quiet title actions, encroachment, easement, and inverse condemnation.

As an experienced litigator, Jamie regularly handles cases on behalf of corporations, municipalities, developers, landlords, and property owners in state and federal courts throughout Florida, including multidistrict class actions.

Born and raised in Palm Beach County, Jamie is actively involved in the local community. While earning his J.D. at Georgetown University, Jamie served as a law clerk for the Honorable Daniel T.K. Hurley of the U.S. District Court for the Southern District of Florida.

### Experience Highlights

#### Inverse Condemnation Dispute Concerning Construction of Breakwaters on Private Property

Representation of developer in inverse condemnation action against a Florida county concerning the unauthorized construction of breakwaters on developer's privately-owned submerged land.

#### Successful Defense of Claim to Enforce Letter of Intent as a Binding Contract

Representation of seller in dispute with developer, related to a previously executed letter of intent to convey a 93-acre parcel of land for \$10.5 million. The developer sought to enforce the letter of intent as a binding contract to sell the property after negotiations did not result in a final agreement. The state trial court granted final summary judgment in favor of the seller and the appellate court affirmed.

#### Successful Defense of Developer's Claim for Specific Performance

### **Regarding Purchase of Property**

Representation of trust in dispute with developer who sought to specifically enforce the terms of a purchase and sale agreement of 8 acres of land for \$5 million against the trust. The developer also claimed that one trustee tortuously interfered with the agreement. The federal district court granted final summary judgment on all counts in favor of the trust and trustee shortly before trial.

### **Local Counsel for Global Corporation in MDL Action**

Representation of global marketer and distributor of produce in multidistrict class action and shareholder derivative lawsuits involving allegations by thousands of foreign nationals that they were victims of a paramilitary group funded by the corporation.

### **Local Counsel in National IP Litigation Case**

Representation of medical company in a patent infringement case involving medical device technology. Case proceeded in the Southern District Court before a global settlement was reached.

### **Local Counsel Prevailed in Jury Trial Before Southern District Court**

Representation of inventor-led company in dispute with national manufacturer of power motion furniture regarding a breach of a technology license agreement. A federal jury awarded our client \$5.7 million that settled on appeal for \$13.5 million.

### **Successful Inverse Condemnation Action Against State Agency**

Represented owner of commercial property in inverse condemnation action against the Florida Department of Transportation. Prevailed on summary judgment, resulting in a favorable settlement, including recovery of fees and costs.

### **Successful Representation of Landowner Against Water Control District**

Representation of large landowner in dispute against water control district concerning the existence of an easement over client's property for recreation trails and canal maintenance. Obtained summary judgment in favor of client, in which the court concluded that a Special Act of the Florida Legislature could not be applied retroactively against landowner, preventing the water control district and municipality from acquiring an easement over client's property.

### **Complete Defense Verdict for Attorney Accused of Misfeasance**

Representation of attorney in dispute with partnership claiming that the attorney refused to repay a loan lent to finance trust litigation. Following a trial, jury returned a complete defense verdict for the attorney and the appellate court affirmed.

### **Local Counsel for Network of Online Activism Websites in Trademark Infringement Case**

Successful representation of a global network of cause-oriented sites in a trademark infringement case that involved original designs created in-house for merchandise sold through its partner websites.

### **Defense of Municipality in Defamation Suit by Former Employee**

Successful defense of municipality in appeal process involving a former

town employee. Appellate Court affirmed the trial court's order granting summary judgment in favor of the town.

## **Affiliations**

### **Palm Beach County Bar Association**

Land Use & Local Governmental Committee, Member  
Judicial Relations Committee, Member  
• Judicial Liaison Subcommittee, Chair  
Young Lawyers Section, Executive Board

### **The Florida Bar**

Eminent Domain Committee, Member, 2017-2019

### **Federal Bar Association Palm Beach County Chapter**

Member

### **Association of Eminent Domain Professionals**

Member

### **Georgetown University Club of Palm Beach**

Board of Directors

### **Leadership Palm Beach County**

Engage Class, Graduate, 2019  
Civics & Government Day Committee, Member  
Songwriters in the Round Committee, Member