



Joseph A. DeMaria

Partner

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Clients count on Joseph DeMaria as an aggressive advocate and ally when facing courtroom battles involving high-stakes business, construction or white-collar criminal disputes.

Joseph is a former federal prosecutor with decades of experience leading trial teams and crafting effective legal arguments before state and federal courts. He is well-known for his tenacity and no-holds-barred approach to major litigation.

Among Joseph's specific assets are:

Proven success, in three distinct areas of the law — business litigation, construction litigation and white-collar criminal defense. Joseph offers a rare skill set: Strength in three diverse legal areas, coupled with trial victories in major litigation cases representing clients from wide-ranging sectors, including banking and services, large-scale corporate construction, international business, government entities and public school systems, among others. He has also defended individuals under investigation and subject to criminal and regulatory charges by the Department of Justice and federal and state regulators. Read more about Joseph's [litigation successes](#).

Certification by the Florida Bar as a Business Litigation Specialist, a mark of professional distinction. This designation is reserved for Florida-based attorneys who undergo rigorous vetting, including a written examination and peer review, to augment their deep experience in business litigation. Joseph's certification for the past 21 years signifies his commitment to and capabilities in business litigation.

A particular ability to meet “Gordian knot” cases – especially complex, challenging and high-risk disputes – with confident poise and cool intellect. During his more than three-decade legal career, Joseph has been a key player in many of South Florida's most high-profile — and highly publicized — business litigation and financial criminal cases, beginning with his years as a member of the Miami Organized Crime Strike Force with the U.S. Department of Justice, and continuing through his present representation of businesses and individuals. He thrives under the pressure inherent in these cases – a trait that benefits his clients.

Extensive experience with “bet the company” legal matters. Federal and civil RICO claims. Embezzlement and Bribery. Accounting and Legal Malpractice. Corporate Governance. Breach of Fiduciary Duty. Money Laundering. Fraud, Grand Theft and Tax Evasion. Construction Delays. Surety and Insurance Claims. Joseph has handled these matters and more. When facing a high-stakes situation, clients put their trust in Joseph.

Honors & Awards



- Named to "The Best Lawyers in America" list for Commercial Litigation, Criminal Defense: White-Collar, Legal Malpractice Law - Defendants and Litigation - Construction in Florida by *Best Lawyers* (2009-2021)
- Selected, Florida Trend's Florida Legal Elite (2017-present)
- Named a "Florida Super Lawyer" for Business Litigation by *Super Lawyers* (2006-present)
- Named a "Top Lawyer" by *South Florida Legal Guide* (2015-present)
- Rated AV Preeminent™ in Judicial Edition of Martindale-Hubbell® (2018-present)



Before Fox Rothschild

Prior to joining Fox, Joseph was a longtime partner at the Miami law firm of Tew Cardenas LLP. He was also a trial attorney with the U.S. Department of Justice, Miami Organized Crime Strike Force. While in law school, he served as the managing editor of the *Buffalo Law Review*.

Beyond Fox Rothschild

Joseph has served since 1994 as an adjunct professor at the University of Miami School of Law, teaching "Trial Skills" and "Business Litigation Skills." He is also a frequent author and lecturer on construction litigation, mediation and white-collar criminal topics for the National Business Institute and has appeared as a legal commentator on white-collar criminal issues for CNN, CNBC and national and local radio outlets.

Practice Areas

- Litigation
- Directors' & Officers' Liability & Corporate Governance
- White-Collar Criminal Defense & Regulatory Compliance
- Construction
- Intellectual Property
- Law Firms & Attorneys
- Securities Industry
- Franchising & Distribution

Bar Admissions

- Florida
- New York

Court Admissions

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



- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Western District of New York

Education

- State University of New York at Buffalo Law School (J.D., *cum laude*, 1982)
- St. Bonaventure University (B.A., *magna cum laude*, 1979)

Memberships

- American Bar Association
 - Litigation Section, Leadership
 - Member, Roundtables Committee, 2020–
- Litigation Counsel of America, Fellow
- The Florida Bar
 - Business Litigation Certification Committee, 2006-2012; Chair, 2009-2011
 - Federal Practice Committee, 2012-2018
 - Legal Malpractice Certification Subcommittee, 2013-2017



Leadership

- St. Bonaventure University, Board of Trustee, 2009-2018
- National Conference of Commissioners on Uniform State Laws, Florida Commissioner 2005-2007

Representative Matters

Significant Business Litigation and White-Collar Criminal Defense Matters

- Defense of CEO accused of breach of fiduciary duties in connection with his termination of co-founders of Florida veterinary pharma company. *Schafer v DiCrisci*, Case No. 2017-021621 (Miami-Dade County Florida Circuit Court) (Defeated emergency motion for appointment of receiver; Secured court order forcing buyout of plaintiffs' member interests pursuant to Florida Limited Liability Act; Secured summary judgment defeating plaintiffs' multimillion-dollar wrongful termination claims)
- Defeated federal RICO claim based on international alleged witness intimidation. *Halvorssen v. Simpson*, 328 F.R.D. 30 (E.D.N.Y. 2018) (Order requiring service through Hague Convention); 2019 WL 4023561 (E.D.N.Y. Aug. 26, 2019)(Order dismissing complaint with prejudice);_ Fed.Appx. __, 2020 WL 1287789 (2d Cir. March 18, 2020) (Affirming dismissal of civil RICO claim)



- Secured dismissal of multimillion-dollar trade secrets litigation for Uruguayan bankers. *Biscayne Capital Holdings Limited, v William Kriz and Albana Rodriguez*, Case No. 17-011109, 2018 WL 6067378 (Miami-Dade County, Florida Circuit Court)
- Represented Orlando, Florida developer in compensation claim owed from development of \$200 million of residential and commercial property. *Robert A. Yeager v. Estate of John J. Brunetti, Sr.*, Case No. 2016 CA 009381 (Orange County, Florida Circuit Court)
- Defended General Secretary of CONCACAF in the U.S. Department of Justice's worldwide bribery investigation of FIFA
- Defeated bidding challenge to multi-million dollar luggage wrapping contract at Miami International Airport for international joint venture, *True Star, USA v. Miami-Dade County and Safe Wrap of Florida, JV*, Case No. 16-026695, Florida Eleventh Judicial Circuit, 2018 WL 1521880 (Mar. 21, 2018)(Order granting final summary judgment in favor of Miami-Dade County and Safe Wrap)
- Defeated federal action for declaratory judgment filed by international securities brokerage firm seeking to deny \$1 million severance payment to Argentinean banker; *ICBC Standard Securities, Inc. v. Luzuriaga*, 217 F.Supp.3d 733 (S.D.N.Y. 2016)(Order abstaining from exercising jurisdiction and denying anti-suit injunction); and 2015 WL 5827497 (S.D.N.Y. Oct. 6, 2015)(Order denying motion for order to show cause for preliminary injunction)
- Defeated federal trademark infringement action filed against German luggage manufacturer; *BTG Patent Holdings, LLC v. Bag2Go, et al.*, 193 F.Supp.3d 1310 (S.D.FL. 2016)(Order granting motion to dismiss for lack of personal jurisdiction and denying motion for preliminary injunction)
- Secured, during trial, a \$1 million valuation for 50-percent owner of Florida company in dissolution proceeding; *Arango v. Sanchez*, Case No. 15-11236 (Miami-Dade County, Florida Circuit Court)
- Secured order setting aside \$1.8 million jury verdict based on successor liability claim for insurance premiums; *REWJB Dairy Plant Associates d/b/a Farm Stores v. Zenith Insurance Co.*, Case No. 99-2900, 2016 WL 730498 (Miami-Dade County, Florida Circuit Court)
- Defeated \$1 billion federal RICO claim based on alleged violations of the Foreign Corrupt Practices Act; *Reich v. Lopez*, 38 F.Supp.3d 436 (S.D.N.Y. 2014)(Order dismissing RICO claims with prejudice); 2015 WL 1958878 (S.D.N.Y. April 30, 2015)(Order dismissing state law claims for lack of personal jurisdiction); 2015 WL 5999661 (Oct. 9, 2015)(Denying motion for leave to file second amended complaint); 858 F.3d 55 (2d Cir. 2017) (Affirming dismissal of case)
- Defeated \$200 million accounting malpractice claim; *Mirabilis Ventures, Inc. v. Rachlin Cohen & Holtz, LLP*, Case No. 6:09-CU-271-ORD-31 DAB; 2011 WL 3236027 (M.D.FL. July 28, 2011)(Order granting motion to exclude damages claim); and 2011 WL 2784105 (M.D.FL. July 14, 2011)(Order granting motion to exclude accounting expert)
- Defeated \$120 million civil RICO case against a private bank; *Adams v. Rothstein*, 2012 WL 1605098 (S.D.FL. May 8, 2012)(dismissing RICO claims)
- Protected an international banker in a successful due process, name-clearing proceeding; *Masvidal v. U.S. Department of Justice*, 716 F. Supp. 2d 1207 (S.D.FL. 2010)
- Defended court-appointed receiver in a federal criminal prosecution arising out of a multimillion-dollar embezzlement from fiduciary accounts; *United States v. Lewis B. Freeman*, Case No. 10-CR-2009-HUCK (S.D.FL.)



- Defeated an action for receiver in a commercial foreclosure, leading to a \$20 million refinancing; *MBV Investment Holdings, LLC v. SkyPalace Development, LLC*, Case No. 12-11203 (Miami-Dade County, Florida Circuit Court)
- Prosecuted \$90 million commercial foreclosure action for a community development district and bondholders; *Grand Bay at Doral Community Development District v. Century Grand I, LLP*, Case No. 11-11329 (Miami-Dade County, Florida Circuit Court)
- Defeated an action for appointment of a receiver of \$20 million hotel condominium, leading to the successful buy-out of minority owner; *Jetfast Hotel, LLC v. Cabana Pelican Manager, LLC*, Case No. 11-25346 (Broward County, Florida Circuit Court)
- Recovered \$47 million for victims of Cuban terrorism in execution proceedings against a New York bank holding Cuban assets; *Weininger v. Castro*, 462 F. Supp. 2d 457 (S.D.N.Y. 2006)
- Defended commodities/foreign exchange dealer in multimillion-dollar federal fraud, tax evasion and forfeiture proceedings; *United States v. Jeffrey Jedlicki*; Case No. 08-60160-CIV-MARRA (S.D.FL.); Defeated IRS effort to set aside offer in compromise and to reassess taxes, *Jedlicki v. C.I.R.*, Case No. 22G55-13L (U.S. Tax Court)
- Trial counsel for an international bank in securing a multimillion-dollar judgment arising from a fraudulent transfer claim; *Banco Intercontinental, S.A. v. Var Holdings, Inc.*, Case No. 06-22911 (Miami-Dade County, Florida Circuit Court), *affirmed* 51 So.3d 470 (Fla. 3d DCA 2011)
- Trial counsel for a Ft. Lauderdale automobile dealer; secured jury trial verdict defeating civil RICO and punitive damages claims in \$23 million conversion action by an international bank; *Special Purpose Accounts Receivable Cooperative Corp. v. Prime One Capital Company, LLC*, Case No. 00-6410-CIV-MARA (S.D.FL.); *see* 202 F. Supp. 2d 1339 (S.D.FL. 2002)(opinion dismissing portions of civil RICO claim)
- Defeated \$2 billion civil RICO claims against director of failed Venezuelan and Miami banks; *Banco Latino v. Gomez Lopez*, 17 F.Supp. 2d 1327 (S.D.FL. 1998)(granting dismissal on *forum non conveniens* grounds for foreign claims) *and* 95 F. Supp. 2d 1327, 1328, n.1 (S.D.FL. 2000)(granting summary judgment on RICO claims)
- Defeated the state of Florida in a multimillion-dollar grand theft prosecution against a Miami businessman; *State v. Diaz*, 814 So.2d 466 (Fla. 3d DCA 2002)(affirming dismissal of criminal charges)
- Defeated \$8 million disgorgement order for commodities broker; *Commodity Futures Trading Commission v. Sidoti*, 178 F.3d 1132 (11th Cir. 1999); *see also* 2003 WL 21349668 (S.D.FL. Apr. 21, 2003)(defeating CFTC attempt to incarcerate broker on contempt citation)
- Secured probation sentence for corporate officer in prosecution arising out of the largest financial fraud in the history of the state of Wisconsin; *United States v. Norman Lopresto* (E.D.Wisc.); *see United States v. Mankarious*, 151 F. 3d 994 (7th Cir. 1998)(discussing criminal scheme)
- Trial counsel for Fred Astaire Dance Studios, Inc. in Florida franchise and trademark litigation

Significant Construction Litigation Matters

- Defended owner of Miami Bayfront Hotel and Restaurant from \$30 million in punitive damages claims arising out of collapse of restaurant deck; *In Re: Inn on North Bay Ltd.*, Case No. 13-21337 (Miami-Dade County, Florida Circuit Court)



- Defended developer from \$40 million Chapter 718, civil RICO and breach of fiduciary duty claims by hotel condominium unit owners; *David Newhall v. Urbana Pelican Grand, LLC*, Case No. 09-025227 (Broward County, Florida Circuit Court)
- Represented the Miami-Dade public schools in 35 multimillion-dollar construction claims. Secured victories at trials and appeals. See e.g. *Jessla Construction Corp. v. Miami-Dade County School Board*, 23 So.3d 1247 (Fla. 3d DCA 2009)(affirming trial defense verdict in multimillion-dollar construction dispute) and 48 So. 2d 127, (Fla. 3d DCA 2010)(affirming \$515,000 attorneys' fees award for the School Board); *Kingswood South, Inc. v. C.O.B.A.D. Construction, Inc. v. Miami-Dade County Public Schools*, Case No. 1994CA012059 (Broward County, Florida Circuit Court)(Trial counsel; defeated third-party construction defect claim against owner)
- Represented the South Florida Water Management District in the negotiation of a \$330 million GMP contract for construction of a reservoir for Everglades restoration
- Represented Miami developer in Chapter 558, Florida Statute negotiations with a condominium association over corrective work issues; *Skyline on Brickell Condo Assoc. v. Skyline on Brickell Managmt, LLC*, Case No. 07-13782 (Miami-Dade County, Florida Circuit Court)
- Represented Fort Lauderdale developer in securing a \$3 million payment from a surety in construction delay arbitration

Significant Matters as Federal Prosecutor

- Prosecuted the president of the largest health maintenance organization (HMO) in the United States and the president of the Hotel and Restaurant Employees Union for labor racketeering, obstruction of justice, bribery of a grand jury witness and illegal wiretapping; *United States v. Miguel G. Recarey*, Case No. 88-5186-CA-NESBITT (S.D.FL.)
- Prosecuted a prominent Florida real estate developer for bribery, labor racketeering, perjury and tax evasion; *United States v. Leonard J. Mercer*, (S.D.FL.)
- Prosecuted 49 organized crime members and associates for participation in a multinational RICO conspiracy; *United States v. Link*, 921 F.2d 1527 (11th Cir. 1991)(affirming convictions)
- Prosecuted a former New Jersey state legislator for perjury and obstruction of justice arising out of receipt of kickbacks from a labor union; see *United States v. Zauber*, 857 F.3d 137 (3rd Cir. 1988)(discussing public corruption scheme)
- Co-trial counsel in RICO conspiracy prosecution arising out of unlawful payments to Laborers' Union health and welfare fund by the Chicago Outfit. See *United States v. Norton*, 867 F.2d 1354 (11th Cir. 1989)(affirming convictions)

Other Significant Matters

- *In Re Mouttet*, 493 B.R. 640 (Bankr. S.D.FL. 2013)(Amended Order dismissing a \$70 million RICO claim related to Jamaican lottery, *affirmed* Case No. 13-22222, 2020 WL 5993925 (S.D.FI. Oct. 9, 2020))
- *Sinapsis Trading USA, LLC v. Secure Wrap of Miami, Inc.*, 2013 WL 1455824 (S.D. FL. Apr. 9, 2013)(Order dismissing RICO claim related to a Miami International Airport contract)
- *In Re Rothstein Rosenfeldt Adler, P.A.*, 2011 WL 6067494 (Bkr. S.D.FL. June 7, 2011)(Order compelling production of a convicted co-conspirator's proffer, overruling Fifth Amendment and attorney work product



objections), 2011 WL 2620187 (S.D.FL. July 1, 2011)(Order compelling government to produce convicted fraudster for deposition in a \$1 billion Ponzi scheme litigation)

- *Harbaugh v. Greslin*, 436 F. Supp. 2d 1315 (S.D. Fl. 2006), aff'd 218 Fd. Appx. 950 (11th Cir. 2007)(Order dismissing judgment creditor's multimillion-dollar claim for lack of personal jurisdiction against a Greek national)
- *Federal Deposit Insurance Corp. v. Gonzalez-Gorrondona, Jr.*, 833 F.Supp. 1545 (S.D.FL. 1997)(setting standard of liability for directors of Florida financial institutions)