STEARNS WEAVER MILLER

Andrew E. Stearns



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PRACTICE AREAS

Litigation
E-Discovery & Information Management
Cybersecurity

OVERVIEW

Andrew Stearns is a Shareholder in the Litigation Department. Andrew practices in all areas of commercial litigation including appellate practice, and has an extensive background in massive-scale document production and e-discovery project management. He assists banks, financial institutions, and NBFIs with Bank Secrecy Act/anti-money laundering compliance matters and has deep knowledge of complex computer systems, computer networks, cloud and edge infrastructure, server virtualization, and data storage and data backup systems and schemes.

While attending Florida State University College of Law, Andrew served in a fellowship position in the Florida House of Representatives in the House Council for Ready Infrastructure, master committee for the House Utilities and Telecommunications, Transportation, Information Technology, and Natural Resources and Environmental Protection committees. Prior to law school, he worked for the Criminal Justice and Corrections Council of the Florida House of Representatives.

Andrew is an airplane pilot with instrument, commercial single-engine, and commercial multi-engine ratings, instrument-rated helicopter pilot, USCG licensed captain, and licensed Florida real estate broker.

REPRESENTATIVE EXPERIENCE

Employed, with Court approval, as Special Litigation Counsel to a Chapter 7 Trustee responsible for administering the estates of bankrupt developer of two master-planned development entities, to prosecute claims fraudulent transfer and breach of fiduciary duty claims against the debtors' equity sponsors, which included Edward R. "Bobby" Ginn III, Lubert-Adler Management Partners, L.P., and other related persons and entities. The claims arose out of a complex "dividend recap" loan transaction secured by debtor transfers of guaranties and liens.

Represented Florida-based bank in defense of claims in the In re Rothstein Rosenfeldt Adler P.A. and In re Banyon matters. Favorably resolved all claims by negotiating multiparty settlement agreements including insurer contributions

and the assignment of actions against non-participating insurers. Obtained Bankruptcy Court approval of settlement agreement including Bankruptcy Court issued bar orders.

Contract dispute between U.S. Global, LLC and Progress Energy (Florida Circuit Court, and Fourth District Court of Appeal). Andrew was one of the lead lawyers representing U.S. Global, a Fort Lauderdale based energy company, in a complex contract dispute with Progress Energy, Inc. arising out of the sale of facilities which produced a synthetic fuel from coal qualifying for federal tax credits. The trial resulted in a favorable jury verdict which, with prejudgment interest, exceeded $132 million. An appeal to the Fourth District Court of Appeal resulted in a remand on a portion of the case, which is still pending, and an affirmance of a large portion of the verdict, which translated to a recovery of more than $90 million.

Represented BankAtlantic, a Florida-based bank, in Department of Justice, Financial Crimes Enforcement Network, and regulatory money laundering investigation. Obtained favorable resolution through simultaneous entry of deferred prosecution agreement, FinCEN, and regulatory consents with a single $10 million payment in global satisfaction.

Represented inventors of exercise equipment intellectual property in complex breach of contract and patent dispute resulting in unconventional and favorable settlement.

Represented aerospace firm in a breach of contract claim relating to sale and transfer of aerospace components involving UCC and 8130-3 issues resulting in favorable settlement.

Represented individual investor against a major investment bank for fraudulent inducement and breach of fiduciary duty in mandatory arbitration. Obtained extensive discovery from unconventional sources resulting in a favorable settlement.

Completed Bank Secrecy Act/anti-money laundering compliance due diligence relating to the sale and acquisition of a Florida-based financial institution on behalf of purchaser resulting in the successful closing of the transaction on favorable terms.

Represented charitable gaming organization in Department of Justice price fixing, anticompetitive pricing, and antitrust investigation resulting in non-prosecution.

Defended financial institution against breach of contract claims relating to the purchase of tax certificates in multiple jurisdictions.

Represented property seller in dispute relating to a contract for sale of real property resulting in forfeiture of a large deposit.

Represented plaintiff adverse to Citizens Property Insurance Corporation following improper denial of hurricane-related damage claims resulting in favorable settlement.

Defended pharmaceutical manufacturer in a breach of contract action brought by a biomedical research firm. Obtained dismissal with prejudice of all breach of contract claims. On appeal, matter settled on favorable terms.

Represented residential and commercial property master planned community developer in a complex dispute involving easements and restrictive covenants on developable historically agricultural land. Obtained injunctive-equivalent relief through agreement and obtained subsequent settlement of all claims on favorable terms.

PROFESSIONAL & COMMUNITY INVOLVEMENT

Florida State University Seminole Boosters Inner Council, Past Member

Rotary International Group Study Exchange (GSE) Team Member

YMCA of Greater Miami, Past Board Member

EDUCATION

J.D., Florida State University College of Law, 2003

B.A., Florida State University, 1999

ADMISSIONS

Florida

United States District Courts for the Northern, Middle and Southern Districts of Florida

United States Court of Appeals for the Eleventh and District of Columbia Circuits