

## Ezra S. Greenberg



Shareholder

Miami Office

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### PRACTICE AREAS

[Litigation & Dispute Resolution](#)

[Appellate](#)

[Class Actions](#)

[Labor & Employment](#)

### LANGUAGES

Hebrew

### OVERVIEW

Ezra S. Greenberg is a Shareholder in the Litigation Department. Ezra is a skilled litigator with a dynamic practice across multiple disciplines. He has tried cases to verdict before juries in both state and federal court and is experienced in all aspects of civil litigation. He is also an accomplished appellate practitioner, having litigated numerous appeals and presented oral argument before state and federal appellate courts.

Prior to joining the Firm, Ezra served for more than a decade as an Assistant County Attorney at the Miami-Dade County Attorney's Office. In this role, he defended numerous high exposure lawsuits, including police shooting, wrongful death, qui tam, and class action claims. As a member of the both the federal litigation and labor & employment sections, he defended lawsuits arising out of alleged violations of federal rights by County officials and litigated disputes with employees and unions of Miami-Dade County and the Public Health Trust of Miami-Dade County. He also served as counsel to the Miami-Dade County Commission on Human Rights and advised various County departments and agencies on labor & employment, civil rights, and intellectual property matters.

Ezra began his career as a litigation associate at a national law firm in New York City. He then clerked for two federal judges on the U.S. District Court for the Southern District of Florida.

Ezra graduated *magna cum laude* from Cardozo School of Law where he was an Articles Editor on the Cardozo Law Review and was awarded the Andrew S. Zucker Award for academic excellence, commitment to the law school's future success, community activism and dedication to the legal profession. The award was endowed in memory of Andrew Steven Zucker, Cardozo Class of 1999, a victim of the September 11th World Trade Center terrorist attack and is bestowed by the law school faculty on one graduate each year.

### Federal Litigation

Having handled more than 50 federal lawsuits, Ezra is experienced in all facets of

federal litigation. He possesses significant subject matter expertise in federal constitutional and civil rights law, federal practice & procedure, municipal liability, sovereign immunity, and qualified immunity. He has litigated constitutional claims for alleged violations of the First, Fourth, Fifth, Eighth, and Fourteenth Amendments. As part of his federal practice, he has also litigated various common law contract and tort claims such as claims for breach of contract, indemnity, negligence, false arrest, malicious prosecution, battery, loss of consortium, wrongful death, and intentional infliction of emotional distress.

### **Labor & Employment**

Ezra has tried more than three dozen administrative hearings and arbitrations under provisions of the Miami-Dade County Code and various collective bargaining agreements. He has also litigated employment-related claims in state and federal court at the trial and appellate levels. His experience includes matters involving:

Age Discrimination in Employment Act (ADEA)

Americans with Disabilities Act (ADA)

Contract Arbitration

Employee Discipline

Equal Pay Act (EPA)

Fair Labor Standards Act (FLSA)

Family and Medical Leave Act (FMLA)

Florida Civil Rights Act (FCRA)

Florida Minimum Wage Act (FWMA)

Florida Worker's Compensation Law

Title VII of the Civil Rights Act of 1964

Worker Adjustment and Retraining Notification (WARN) Act

Workplace Harassment & Prevention

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## **REPRESENTATIVE EXPERIENCE**

*While serving as Assistant County Attorney in the Miami-Dade County's Attorney's Office:*

### **Federal Litigation Matters:**

Defended excessive force allegations against six police officers during a six-day federal jury trial resulting in a complete defense verdict.

Obtained dismissal of all claims against three police officers in declaratory judgment action on First and Fourth Amendment claims based on the dispersal of a residential protest.

Represented Miami-Dade County against claims arising from an inmate's loss of his spleen while in custody allegedly due to excessive force and the denial of medical care resulting from a pattern or custom of deliberate indifference to the constitutional rights of inmates. After substantial discovery and despite the denial of the County's motion to dismiss, the case was resolved without any monetary payment from the County.

Obtained emergency stay and vacatur in the United States Court of Appeals for the Eleventh Circuit Court of federal district court's injunction against a county jail facility in class action lawsuit alleging inadequacies in the jail's response to the COVID-19 pandemic and demanding release of hundreds of inmates.

Obtained attorney's fees award against commercial property owner following dismissal of claim alleging denial of due process against Miami-Dade County in building code enforcement.

Successfully litigated high-profile police shooting case for five years. Obtained the only order in the history of the U.S. District Court for the Southern District of Florida piercing the qualified journalist privilege and enforcing a subpoena duces tecum against a local news agency and one of its reporters. Obtained sanctions against the plaintiff based on destruction and concealment of evidence and willful violations of discovery orders. After the denial of summary judgment, successfully persuaded the district court to reconsider and grant summary judgment on all counts based on the discovery of new evidence. Although an appellate court reversed this holding and remitted the case for trial, a federal jury returned a complete defense verdict following six days of trial.

Successfully represented the County and four officers on appeal following two-week jury trial resulting in defense verdict; obtained published opinion in the United States Court of Appeals for the Eleventh Circuit affirming on all issues including admissibility of expert testimony and police policies, admissibility of prior criminal acts and convictions, and dismissal of municipal liability claims.

Obtained partial summary judgment on claims for false arrest, malicious prosecution, and concert of action against two police officers and the County.

Obtained summary judgment on statutory indemnity claim against local night club for an incident arising out of police action by off-duty officers. On an issue of first impression, the district court found that the night club was strictly liable under a Florida statute governing the provision of off-duty police officers to private establishments. Following an unsuccessful constitutional challenge on appeal by the night club, the County obtained a complete recovery.

Represented the County in obtaining reversal by the United States Court of Appeals for the Eleventh Circuit of district court's erroneous order of remand.

## **Labor & Employment Matters:**

Defended workers' compensation retaliation claim during jury trial in the Eleventh Judicial Circuit of Florida.

Obtained summary judgment on ADA claim for failure to accommodate challenging termination of employee with disabilities.

Obtained dismissal of ADA and FMLA claims in lawsuit arising out of discipline and termination of diabetic police dispatcher. Concurrently, represented County in binding arbitration resulting in award upholding termination of employee and rejecting failure to accommodate claim under ADA.

Secured award of attorney's fees after obtaining order granting summary judgment in Title VII case brought by firefighter alleging sex discrimination and retaliation with respect to outside employment and on-the-job discipline.

Successfully defended the County against lawsuit brought by former employee seeking to establish additional retirement

credits; obtained dismissal with prejudice in Eleventh Judicial Circuit of Florida and affirmance on appeal before Third District Court of Appeal.

Successfully represented the Mayor of Miami-Dade County before Appellate Division of the Eleventh Judicial Circuit of Florida opposing a petition for writ of certiorari challenging the Mayor's decision to reject a hearing examiner's findings and impose discipline on an employee due to unethical behavior in connection with a promotional examination.

Defended FCRA claims alleging harassment and demotion based on national origin during jury trial in the Eleventh Judicial Circuit of Florida, resulting in defense verdict.

Obtained summary judgment on claims for sex discrimination and retaliation under Title VII brought by police officer who was relieved of duty while under investigation.

Obtained dismissal of lawsuit under ADEA by police officer who failed probation.

Obtained summary judgment on ADA disparate impact claims challenging the transit department's no-rehire policy for bus operators with long-term absenteeism; obtained affirmance on appeal before the United States Court of Appeals for the Eleventh Circuit.

Awarded summary judgment on FCRA race and national origin claims in the Eleventh Judicial Circuit of Florida.

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## PUBLICATIONS & PRESENTATIONS

**Events:** Best Practices for Taking and Defending Depositions: Clients, Adverse Parties, Friendly & Hostile Witnesses  
Miami-Dade County Attorney's Office, Florida Bar Approved Ethics and Professionalism CLE || May 2022

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**Events:** Tips and Strategies for Enforcing Judgments  
Miami-Dade County Attorney's Office, Florida Bar Approved CLE || May 2017

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**Publications:** Stray Remarks and Mixed Motive Cases After *Desert Palace v. Costa*: A Proximity Test for Determining Minimal Causation  
29 *Cardozo L. Rev.* 1795 (2008) | August 2008

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## NEWSROOM

**Firm Announcements:** [Former Miami-Dade County Assistant County Attorney Ezra S. Greenberg Joins Stearns Weaver Miller in Miami](#)  
| August 2022

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## EDUCATION

J.D., *magna cum laude*, Benjamin N. Cardozo School of Law, 2008  
*Cardozo Law Review*, Articles Editor

Andrew S. Zucker Award

Alexander Fellow

Dean's Distinguished Scholar

Dean's Merit Scholarship Recipient

Teaching Assistant, Civil Procedure & Property

Research Assistant, Prof. Arthur J. Jacobson

Order of the Coif

B.A., Emory University, 2004

Dean's List

Study Abroad – University College, Oxford, England

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## **ADMISSIONS**

Florida

New York

District of Columbia

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

United States Court of Appeals for the Eleventh Circuit