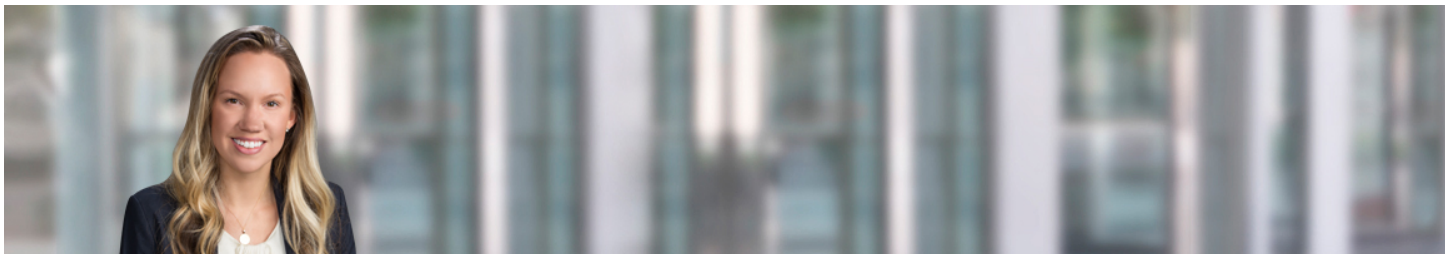


Morgan A. McDonough



Shareholder

Miami Office

mmcdonough@stearnsweaver.com

Phone: 305-789-3355

PRACTICE AREAS

[Litigation & Dispute Resolution](#)

[Ad Valorem Tax](#)

[Government & Administrative](#)

OVERVIEW

Morgan A. McDonough is a Shareholder in the Litigation Department. Morgan practices in all areas of commercial litigation including representing owners to challenge Ad Valorem Tax assessments. Prior to joining the firm, she clerked for The Honorable Robert Scola, Jr. in both the United States District Court for the Southern District of Florida and in the Circuit Court for the Eleventh Judicial Circuit of Florida. She also served as a judicial intern for Judge Scola.

Morgan graduated with honors, Order of the Coif, from the University of Florida Levin College of Law.

REPRESENTATIVE EXPERIENCE

Represented Flagstone Island Gardens LLC and Flagstone Development Corporation in a suit against the City of Miami in connection with Flagstone's right to develop and lease a \$1.2 billion mixed-used hotel, retail and marina project on Watson Island. Flagstone won the bid to develop in 2001 and subsequently obtained financing. However the market crash in 2007 caused investors to walk out on the project. In 2010, the City and Flagstone amended the agreement to include longer time periods to commence and complete development in phases. Throughout this period, a group of community activists opposed to the project started a campaign to block the project, filing lawsuits and submitting numerous letters to city officials. Building permits that should have been granted were stalled and the City Commission, led by Commissioner Russell, declared Flagstone in default. Flagstone sued to declare that there was no default and seek damages for the City's breach of the agreements. The case was bifurcated between liability and damages. After a 7-day bench trial on liability, Judge William Thomas entered a 27-page order finding against the City and in favor of Flagstone on every disputed issue. While not addressed by the Court in this phase of the litigation, Flagstone offered evidence that it has invested more than \$120 million in the project.

Represents Florida public college and university donors, recent graduates, and proposed classes of donors, students, and recent graduates in a lawsuit for damages of over \$1 billion caused to Florida's public colleges, universities, and their students. Defendants include the State, the Governor, and various other State agencies and officials. The lawsuit is based

on four separate statutes and resulting donor contracts that obligate the State to “match” private donations made to support higher education with students as the intended third party beneficiaries. After Defendants moved to dismiss, in 2018, the Circuit Court ruled the Complaints properly pleaded causes of action. Defendants then filed a Petition for Writ of Prohibition seeking to dismiss the case for lack of jurisdiction, and, also in 2018, the First District Court of Appeal ruled the Circuit Court had jurisdiction for plaintiffs to proceed with the cause of action for breach of contract. The case is pending in Circuit Court.

Member of team that successfully represented the City of Marathon in a federal nonjury trial to recover damages from the issuer of a surety bond that refused to take over or pay to complete unfinished work on a wastewater treatment plant.

Assisted team in obtaining a \$1.2 million verdict, plus award of attorneys' fees and costs, in a jury trial on behalf of a construction firm fraudulently induced into a fixed price contract, successfully turning a breach of contract lawsuit against contractor into a favorable verdict on counterclaims.

Assisted in the representation of a publicly-traded financial institution as Florida counsel with Wachtell, Lipton, Rosen & Katz, against federal securities and other claims arising from the collapse of Bernard L. Madoff Investment Securities. The district court granted a motion to dismiss with prejudice, in a decision that clarifies the limited scope of financial institutions' liability for frauds perpetrated by customers. The Eleventh Circuit affirmed the dismissal.

Member of team representing MDM Development in administrative proceedings after certain archaeologists claimed the site contained significant cultural remnants of the Tequestas, the earliest known inhabitants of the site. Relying on the architects' claims, the City's Historical and Environmental Protection Board repudiated prior development approvals in favor of MDM's \$140-million-plus development. After an evidentiary hearing and an ensuing mediation, the development proceeded with a plan to preserve and showcase archaeological features associated with the Tequestas within the development and a substantial historical and educational exhibit in the planned 1,200-square-foot pedestrian plaza.

Successfully resolved claim for construction defect coverage under CGL policy.

RECOGNITION

Best Lawyers: Ones To Watch, 2021

PUBLICATIONS & PRESENTATIONS

Publications: [Do You Own Real Property? Be on the Lookout for your Trim Notice!](#)

Stearns Weaver Miller News Update | August 2020

Ad Valorem Tax News Update, Publications: [Florida Court Retreats from Holding Rushmore Method Illegal, but Consequences for Property Valuation Still Nearly the Same](#)

Stearns Weaver Miller News Update | August 2020

Ad Valorem Tax News Update, Publications: [Rushmore Approach Essentially Dead for Use by Property Appraisers in Hotel Valuation](#)

Stearns Weaver Miller News Update | July 2020

Ad Valorem Tax News Update, Publications: Hotels - Possible Opportunity to Reduce Tangible Personal Property Taxes

Stearns Weaver Miller News Update | May 2020

Events: Virtual Webinar - Ad Valorem Taxes & COVID-19

| May 2020

Ad Valorem Tax News Update, COVID News Update, Publications: 2019 Property Tax Deadline EXTENDED for All Florida Counties | Due April 15

Stearns Weaver Miller News Update | March 2020

Ad Valorem Tax News Update, COVID News Update, Publications: Miami-Dade County Tangible Personal Property Return Deadline Extensions

Stearns Weaver Miller News Update | March 2020

Ad Valorem Tax News Update, COVID News Update, Publications: 2019 Property Tax Deadline NOT EXTENDED FOR MOST COUNTIES | Due March 31

Stearns Weaver Miller News Update | March 2020

Ad Valorem Tax News Update, Publications: Have You Paid Your Property Taxes? Property Taxes Due March 31st.

Stearns Weaver Miller News Update | February 2020

Ad Valorem Tax News Update, Publications: Have You Paid Your Property Taxes? Property Taxes Due March 31st.

Stearns Weaver Miller News Update | March 2019

Events: View From the Deck: Things I Know Now That I Wish I Knew Then

UF Law NaviGators || July 2016

NEWSROOM

Firm Announcements: Stearns Weaver Miller Names Four New Shareholders

| September 2020

In the Media: 'Sovereign immunity' makes Florida a deadbeat debtor. The state should pay up.

South Florida Sun Sentinel || October 2019

Firm Announcements, Land Development News Update: State Loses Appeal Seeking to Dismiss Billion Dollar Lawsuit to Require State Matching of Private Donations to Florida's Public Colleges and Universities

| June 2018

In the Media: Court Blocks Parts of Matching-Gift Case

CBS12 || June 2018

In the Media: Appellate Court Mostly Finds for Lawmakers in Matching-Gift Case

Florida Politics || June 2018

In the Media: Judge Refuses to Dismiss Matching Gifts Case Involving College Donations

MyPanhandle.com | | January 2018

In the Media: This is what happens when university matching gifts aren't matched

Tampa Bay Times | | December 2017

In the Media: FSU Donors Join Matching Fund Class Action Suit

WLRN | | July 2017

In the Media: Tallahassee residents file second suit against state over university funds

Tallahassee Democrat | | July 2017

In the Media: Lawsuit Demands Florida Pay up on \$1 Billion in Donation Matches to State Schools

Miami Herald | | July 2017

In the Media: Billion dollar lawsuit claims state broke higher education promises

Tallahassee Democrat | | July 2017

EDUCATION

J.D., *cum laude*, University of Florida Levin College of Law, 2013

University of Florida Journal of Law and Public Policy, Board Member

Book Award: Advanced Legal Research

Order of the Coif

B. A., *cum laude*, University of Florida, 2010

ADMISSIONS

Florida

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