

John D. Osgathorpe

SHAREHOLDER



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www.TaylorDayLaw.com

Education

- Indiana University School of Law, J.D.
 - Indiana International & Comparative Law Review, Associate Editor
- Temple University Law – Tokyo
- East China University of Political Science and Law, Certificate in Chinese Legal Studies
- Indiana University, B.A.
- Vincennes University, A.S.

Honors & Awards

- Recognized for inclusion in *The Best Lawyers in America*, 2021
- Martindale-Hubbell, AV-Rated*
- Named one of North Florida's Top Lawyers by 904 Magazine, 2011, 2012

Experience

A shareholder with Taylor Day, John currently serves as our president and managing partner. In his business litigation practice, he protects the interests of companies, management teams, and business owners in a diverse array of commercial and torts disputes. He litigates in State and Federal Court as well as before arbitrators in Florida.

John's general areas of experience include breach of contract claims, shareholder disputes, corporate governance disputes, joint ventures disputes, agency disputes, engineer and architect professional negligence, construction defects litigation, real property disputes and title claims, deceptive and unfair practices claims, fraud, civil theft, usurping corporate opportunities, defamation, breach of fiduciary duties, conspiracy, trucking accidents and goods-in-transit disputes, as well as premises liability. He currently serves on ALFA International's Board of Directors, as well as its Treasurer, and is one of Taylor Day's contact partners for ALFA International.

Practice Areas

- Business & Commercial
- Construction
- Real Property & Title Insurance
- Casualty & Tort

Admitted to Practice

- Florida
- Illinois (inactive)
- U.S. District Court, Middle District of Florida
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Northern District of Florida

Professional Affiliations

- Federal Bar Association
- Jacksonville Bar Association
- Florida Bar Association
- ALFA International
 - Member, Board of Directors (Oct., 2016 – Oct., 2019)
 - Treasurer, (Oct., 2016 – Oct., 2019)
 - Member, Steering Committee, Business Litigation Practice Group
 - Chairman, Business to Business Subcommittee, Business Litigation Practice Group
 - Chairman, Marketing Committee (January 2012 – December 2014)
- University of North Florida Division of Continuing Education Dean's Council, 2011 – 2014
- Jacksonville Lean Consortium, 2008 – 2013
- Ability Housing of Northeast Florida
 - Board Member and President, 2009 – 2014

BIOGRAPHY

- Named among Florida “Legal Elites” by Florida Trend Magazine, 2012 – 2016



John D. Osgathorpe

Publications

- *Seminar Course Book Editor, Successful Trekking Along The Precipice, Protecting Your Business Before During And After "Bet The Company" Litigation*, ALFA Business Litigation Practice Group Seminar, 2017.
- *Ladders Or Ledges? The Roles Of Insurers and Insured In Business Litigation*, for Seminar Course Book, for ALFA Business Litigation Practice Group Seminar 2017.
- Contributor for Florida, ALFA International Compendia for Transportation, Products Liability, and Hospitality.
- "A Critical Survey of The People's Republic of China New Company Law," 6 Ind. Int. & Com. Law Review, 2, Spring, 1996.

Speaking Engagements

- *Ladders Or Ledges? The Roles Of Insurers and Insured In Business Litigation*, at ALFA Business Litigation Practice Group Seminar addressing *Successful Trekking Along The Precipice, Protecting Your Business Before During And After "Bet The Company" Litigation*, Chicago, Illinois | September 14-15, 2017, London House, Chicago, Illinois.
- *Pre-trial Issues: From Prepping for Depositions to Limiting Evidence at Trial*, Presenter, Georgia Motor Trucking Association Seminar | September 11, 2015.
- *Managing the Scene: The Various Players Orchestrating the Accident Scene*, Moderator, Georgia Motor Trucking Association Seminar | September 11, 2015.
- *Avoiding Litigation and What it Means When You Can't*, Florida 8(a) Alliance webinar | October 25, 2012.
- *Social Networking*, ALFA International's 2009 Annual Business Meeting.

Representative Experience

- Represented Plaintiff multi-national corporation in winding up cargo airline business venture and lawsuit on personal guaranty.
- Defended India based IT limited liability company against \$1.75 million claims for breach of contract, fraud, aiding-and-abetting fraud, and aiding-and-abetting breach of fiduciary duty by NASDAQ listed corporation and limited liability company subsidiary as well as asserted counterclaim for \$250,000.
- Represented Plaintiffs business owner and related closely held companies in claims against its U.S. agent for self-dealing, fraud, FDUTPA, and contractual claims arising from embezzlement of \$1 million.
- Represented Plaintiff business owner in claims for breach of partnership agreement, fraud, and accounting regarding Canadian client's investment in Florida multi-family residential complex.
- Represented Plaintiff business owner in injunction action against commercial landlord to force lease assignment to purchaser of lessor's business.
- Represented Plaintiff company as seller in claims against purchaser of high-rise office tower resulting in recovery of \$3.5 million in government incentives as well as escrowed funds.

Representative Experience (continued)

- Defended private lending consortium against claims of fraud, conspiracy, and violation of joint venture and successfully prosecuted counterclaim resulting in summary judgment for \$22 million plus, arising from \$14 million loan for property development.
- Defended structural steel manufacturing and engineering sub-contractor against claims in a \$39.8 million constructions defects lawsuit, as well as oversight of 19 associated personal injury lawsuits and a wrongful death lawsuit pending in separate jurisdictions arising from parking garage collapse and structural defects in associated high-rise condominium tower.
- Took over defense of insurer in civil contempt claims for \$47 million arising from breach of multiple Federal Court civil contempt orders in Longshoreman's Act in case actively litigated since 1982.
- Defended general contractor in \$40 million construction defects lawsuit involving 58 parties and resolved dispute short of scheduled 60-day jury trial (which presiding Judge identified in her application to become a Federal Judge as her most significant case).
- Defended Class 1 transportation company in multi-million arbitration and related federal lawsuit regarding a dispute with Florida transportation company arising from multiple contracts developed over 15 years plus business relationship.
- Defended founder and CEO of international technology company in dispute with Board, lenders, and certain other shareholders against claims of embezzlement, self-dealing, and breach of contract.
- Defended successful serial entrepreneur and management entity against statutory, contract, and self-dealing claims as well as an attempted receivership arising from high-rise real estate as well as prosecution of counterclaim for mandatory injunction.
- Defended 50% owner of technology business following accusations of embezzlement and self-dealing by another owner.
- Represented Plaintiff company in locomotive leasing company's claims against New York waste management companies for failure to fulfill contract terms and payment obligations.
- Defended local electric utilities against various serious injury and wrongful death lawsuits.
- Defended technology services company and its president against breach of contract, international misrepresentation, and fraud claims arising from merger and subsequent divestiture of another company.
- Represented Plaintiff company in failure to fulfill lease requirements and for lost profits in UCC based claims against NYSE listed company and its subsidiary.
- Defended numerous property development entities and personal guarantors in lawsuits instituted by commercial lending institutions.
- Defended and supervised defense of well over a 150 premises liability claims including slip/trip-and-fall, negligent retention and hiring, defective merchandise, products liability, falling merchandise, defamation, negligent security, and Florida Deceptive and Unfair Trade Practice Act claims.