

## ATTORNEY PROFILE AT A GLANCE

**Position:**  
Founding Partner

### Areas of Practice:

Business Litigation including Officer and Director Liability, Corporate Governance Litigation, Securities Litigation, Real Estate Litigation, Professional Negligence Litigation and Employment Litigation.

### Admitted:

- The Florida Bar, 1996
- The U.S. District Courts for the Southern & Middle Districts of Florida
- 11th Circuit Court of Appeals
- United States Supreme Court

### Organizations & Committees:

- The Florida Bar (Business Law Section)
  - Executive Council
- American Bar Association (Litigation, Business Law and Labor & Employment Sections):
  - Chair of the Business Law Women Business Advocates
- Dade County Bar Association:
  - Federal Courts Committee Chair
- Women's Chamber of Commerce of Miami-Dade: *Immediate Past President*

### Acknowledgements:

- AV Rated by Martindale Hubble
- The Florida Bar President's Pro Bono Service Award (2008)
- South Florida Legal Guide (2009)
- Florida Trend's Legal Elite (2009)
- Florida Super Lawyer (2009)

### Education:

- University of Wisconsin (B.A. 1991)
- University of Miami Law School (J.D. cum laude, 1996)

### Contact Information:

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## MELANIE EMMONS DAMIAN

Ms. Damian has represented directors and officers of public and private companies in a variety of corporate and securities litigation. She has also counseled companies on corporate governance matters and served as counsel to special litigation committees performing internal investigations in response to shareholder derivative demands. Ms. Damian has also been appointed by the Court to act as Receiver and Distribution Agent in Securities matters and has been engaged to represent receivers in state and federal court litigation.

Ms. Damian has represented a number of local and national developers in real estate and brokerage disputes and has represented national law firms in a variety of legal malpractice matters, including those involving allegations of malpractice in connection with failed advocacy, failed transactions, and the failure of financial institutions.

Ms. Damian also has substantial experience in employment litigation, including representation and counseling on behalf of national and local companies in discrimination and harassment claims including Title VII (sex, race, national, origin, religion, and retaliation); ADEA (age), ADA (disability), FMLA (Family Medical Leave Act), FLSA (Fair Labor Standards Act), Section 1981, and the Florida Civil Rights Act. She also has experience in counseling clients and litigating issues concerning various employment related issues, including wage and hour laws, non-competition agreements, theft of trade secrets, hiring and firing policies, employment agreements, and employment manuals.

Ms. Damian is active in child advocacy with Lawyers for Children America and the Guardian Ad Litem program and is a founder of the non-profit Educate Tomorrow. She received the pro bono award in 2001 for child advocacy from the Miami-Dade County Bar Association and Eleventh Judicial Circuit. Ms. Damian also received the 2005 Florida Bar Association Young Lawyer Division Pro Bono Award and the Lawyers For Children 2005 John Edward Smith Award. In 2006, Ms. Damian received the Junior League of Miami, Inc. "Woman Who Make a Difference" award. Additionally, Ms. Damian received the "2007 Pepsi Everyday Freedom Hero Award" and "The Florida Bar President's 2008 Pro Bono Service Award from the Eleventh Judicial Circuit" for her work with Educate Tomorrow.



## MELANIE EMMONS DAMIAN: NOTABLE RECEIVERSHIP AND CLASS COUNSEL CASES

- U.S. Securities and Exchange Commission v. Marc Roup et al., Case No. 09-CD-01685, pending in the Western District of Pennsylvania, Court-Appointed Receiver
- U.S. Securities and Exchange Commission v. Sean Healy, et al., Case No. 1:09-CV-1330, pending in the United States District Court, Middle District, Pennsylvania, Court-Appointed Receiver
- U.S. Commodity and Futures Trading Commission v. Sean Nathan Healy, et al., Case No. 1:09-CV-1331, pending in the United States District Court, Middle District, Pennsylvania, Court-Appointed Receiver
- U.S. Mortgage Finance II, LLC v. 3079 Aventura Lakes, LLC, Case No. 09-59337CA13, Pending in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- State of Florida Office of Financial Regulations v. Robert Kurland Mortgage Co., Inc., Case No. 05-11974 CA 30, pending in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- U.S. Mortgage Finance II, LLC v. 1406 Mystic Point, LLC, Case No. 09-59351 CA 13, pending in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- Amanecer Investment Company, LLC v. Amanecer Christian Network, Inc., et al., Case No. 06-7931-CA-31, pending in the 11th Judicial Circuit Court in and for Miami-Dade County, Florida, Counsel for Receiver
- Floriano de Alencar Filho v. Mony Life Ins. Co. of the Americas, Ltd, Case No. 06-23093-CA-21, pending in the 11th Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Class Counsel
- Securities and Exchange Commission v. Concorde America, Inc., et al., Case No. 05-80128-CIV-ZLOCK/SNOW, pending in the United States District Court, Southern District, Miami Division, Court-Appointed Distribution Agent
- Securities and Exchange Commission v. Bio-Heal Laboratories, Inc., et al., Case No. 05-21116-CIV-SEITZ/O'SULLIVAN, pending in the United States District Court, Southern District, Miami Division, Court-Appointed Distribution Agent
- Securities and Exchange Commission v. Charles O. Morgan, Jr., as Personal Representative of the Estate of Frederick J. Kunen, Case No. 07-22204-CIV-GOLD/TURNOFF, pending in the United States District Court, Southern District, Miami Division, Counsel for Receiver
- Nancy Butler-Jones, and Hywel Jones, Nelson I. Del Toro, Mehmet Sahin, Linda Meyers, and William Davis v. Sterling Casino Lines, L.P., Sextant Sterling I, Inc., and John Brevick, Case No. 6:08-cv-01186-ACC-DAB, pending in the United States District Court, Middle District, Orlando Division, Court-Appointed Class Counsel
- Guillermo Santacruz, et al. v. Velocity Express Corporation, Velocity Express Leasing, Inc., Velocity Express, Inc., Case No. 1:08-cv-21591-WMH, pending in the United States District Court, Southern District, Miami Division, Counsel for Plaintiffs, Served on Court Appointed Executive Committee for Class Plaintiffs in Multi-District Suit
- Jerry Gustin, et al. v. Paul A. Hoffman, et al., Case No. 6:08-cv-00057-Orl-31-DAB, pending in the United States District Court, Middle District, Orlando Division, Court-Appointed Class Counsel
- Armando Sicard, Karen Cirillo, and Alexis Jose Nevares v. Aquasino, LLC, Case No. 08-20976-CIV-LENARD/GARBER, pending in the United States District Court, Southern District, Miami Division, Counsel for Collective Class Action Plaintiffs

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