

Joshua C. Canton

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Office Location: Pensacola-Tallahassee-Thomasville

Joshua is the managing partner for the firm's offices in Tallahassee and Pensacola, Florida, as well as Thomasville, Georgia. Joshua handles matters throughout North Florida, the panhandle, and throughout the State of Georgia. He has been a trial lawyer since 2002 and began practicing with the firm in 2006. Joshua is Board Certified in Civil Trial Law by The Florida Bar.

Joshua practices in the area of general civil litigation and his trial practice has been devoted to wrongful death, products liability, negligent security, construction defect, premises liability, professional malpractice and trucking/automobile liability. He also represents insurance companies in first party litigation and coverage disputes in casualty, environmental and professional liability claims. Joshua also has experience defending fraternities and sororities claims. He practices in both State and Federal Court throughout the States of Florida and Georgia.

Practice Areas:

- Automobile Litigation
- Bad Faith & Extra Contractual Litigation
- Class Actions
- Construction Litigation
- First Party Property & Coverage
- General Liability & Casualty
- Governmental Liability
- Insurance Coverage
- Insurance Fraud and Misrepresentation
- Intentional Torts
- Mass Tort
- Premises Liability
- Products Liability
- Professional Liability & Services
- Subrogation
- Trucking Litigation
- Employment Law

Admitted to Practice:

- Florida Bar
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida
- Georgia Bar
- U.S. District Court, Middle District of Georgia
- U.S. District Court, Northern District of Georgia
- U.S. District Court, Southern District of Georgia
- Georgia Court of Appeal
- Georgia Supreme Court
- District of Columbia Bar
- U.S. Court of Appeals, Eleventh Circuit



Education:

- University of Miami, Juris Doctorate
- Rollins College, Master of Business Administration
- University of Central Florida, Bachelor of Arts in Anthropology

Honors & Awards:

- Board Certified in Civil Trial Law, The Florida Bar, 2023
- *The Best Lawyers in America*, 2024, Insurance Law; Litigation - Insurance; Personal Injury Litigation - Defendants
- Joshua is rated AV Preeminent by Martindale-Hubbell. AV Preeminent is a significant rating accomplishment - a testament to the fact that a lawyer's peers rank him or her at the highest level of professional excellence.

Professional Affiliations:

- American Board of Trial Advocates (ABOTA)
- Defense Research Institute
- Georgia Defense Lawyers Association

Representative Experience:

- 2024 - Joshua prevailed on a motion for summary judgment based on an "Act of God." He successfully argued that Plaintiff's injury caused by a flying tent on the Defendant's property was caused by a rogue wind and that the Defendant had no duty to warn Plaintiff of such a potential hazard.
- 2023 - Joshua prevailed on a Motion to Declare the Defendant Immune from Civil Action pursuant to Florida's "Stand Your Ground" Law. He successfully argued that while there was an altercation at the Defendant's place of employment, Defendant had no duty to retreat, Plaintiff's spittle and forehead hit the Defendant and placed the Defendant in imminent fear for his safety, and the Defendant was immune from prosecution as he was authorized to stand his ground and use non-deadly force when he struck Plaintiff.
- 2023 - Joshua prevailed on a motion for summary judgment in a wrongful death action where the Plaintiff claimed Defendant committed an intentional tort during the course and scope of Plaintiff's employment which caused the decedent to contract COVID-19 and perish. He successfully argued Plaintiff was not a survivor under the wrongful death act and had no claim.
- 2022 - Joshua prevailed on a motion for summary judgment in a wrongful death premises liability negligent security claim where he argued that the Defendant's apartment complex breached no duty owed to the Plaintiff because the incident was not foreseeable, and, even if there was a breach of duty, the Defendant was not the proximate cause of the decedent's death.
- 2022 - Joshua prevailed on a motion for summary judgment in a premises liability slip and fall accident where he argued that Plaintiff was a trespasser, and the Defendant breached no duty owed to the Plaintiff.

- 2022 - Joshua obtained a defense verdict in an admitted liability case involving a semi-tractor in Spalding County, Georgia following a three day jury trial. Plaintiff claimed that the crash lead to his need for a reconstruction of his mandible and asked for \$1.8 million at trial. Defendant argued that Plaintiff's mandible reconstruction was caused by a preexisting condition and that Plaintiff was not injured in the crash. The jury came back with a defense verdict in 2 hours.
- 2022 - Joshua tried a first party windstorm case in Flagler County. The Plaintiffs argued at trial that the damage to the tile roof and interior of the home was caused by a non-catastrophic windstorm. The Defendant argued that the damage to the tile roof was the result of wear, tear, and/or deterioration. The Defendant also argued the interior damage was excluded from coverage as it was not the result of a wind created opening caused by a peril insured against. The jury found for the Defendant and awarded the Plaintiffs nothing (\$0) for repair of the home.
- 2022 - Joshua prevailed on a motion for summary judgment in a pedestrian versus motor vehicle accident case in Athens, Clarke County, Georgia where he argued that Plaintiff walked into oncoming traffic without regard for the right-of-way and assumed the risk associated therewith. An offer of settlement was served by Defendant resulting in a claim against the Plaintiff for defense fees and costs.
- 2021 - Joshua tried a first party Hurricane Michael case in Bay County. The Plaintiffs argued at trial that their home was a total loss due to structural damage to the pilings caused by the hurricane. The Defendant argued that the home had no structural damage, was repairable, and that Defendant had already paid its insureds the reasonable cost to repair the home prior to the litigation. The jury awarded the Plaintiffs nothing (\$0) for repair of the home.
- 2019 - Joshua tried a case in which the Defendant driver rear-ended two bicyclists on a country road. Both bicyclists sustained fractured legs and other injuries. The Plaintiff argued at trial that she sustained permanent injuries in the crash. However, the Court granted the defendant's motion for a directed verdict on the issue of future medical expenses and the jury awarded only past medical expenses and found that Plaintiff had sustained no permanent injury in the crash and was not entitled to damages for pain and suffering.
- 2017 – Atlanta, GA – Court of Appeals - Joshua obtained a reversal of the denial of a motion for summary judgment based upon the Fireman's Rule. In this case, Joshua represented a property owner who was sued in negligence, and for punitive damages, for leaving grass trimmings on a public roadway after mowing his lawn. The plaintiff, a deputy sheriff, claimed that he was responding to a crash caused by the grass trimmings when he himself lost control of his vehicle and crashed after driving over the same grass trimmings. At the conclusion of discovery, Joshua filed a motion for summary judgment based upon the Fireman's Rule, which states that if a negligently created risk resulting in injury to an officer was the very reason for the officer's presence in his professional capacity, then recovery is barred. The trial court denied the motion for summary judgment. Joshua then filed an interlocutory appeal. The Court of Appeals reversed the judgment of the trial court, finding that the trial court erred in refusing to apply the Fireman's Rule to Plaintiff's claims.

- 2017 – Valdosta, GA – Joshua obtained summary judgment on behalf of an uninsured motorist carrier based upon Plaintiff's violation of policy conditions.
- 2017 – Tallahassee, FL – Joshua obtained a defense verdict in an admitted liability case tried in Tallahassee, Florida. Joshua represented the driver of a vehicle who had rear-ended the Plaintiff's vehicle. The Plaintiff claimed that she had traumatically induced carpal tunnel syndrome and cubital tunnel syndrome caused by the rear-end collision. During closing arguments, Plaintiff requested that the jury award \$225,000. The jury returned a defense verdict in less than 2 hours.
- 2015 - Valdosta, GA - Joshua received a defense verdict in a construction defect case tried in Valdosta, Georgia. Plaintiffs in the case were homeowners, who hired Defendant, a custom home builder, to build a \$2.275 million addition to their home, including an exercise wing, guest wing, and extensive pool area. When the project was mere weeks from completion, Plaintiffs terminated Defendant from the job and sued Defendant, claiming that its work was defective. Defendant contended that its work met the contract specifications and was also incomplete. Plaintiffs asked for \$1 million at trial. The trial resulted in a defense verdict.
- 2014 - Savannah, GA - Joshua obtained a defense verdict in a lawsuit where he represented an underinsured motorist carrier and the driver of a motor vehicle who was involved in a motor vehicle accident with two pedestrians. The jury took less than two hours of deliberation to return a verdict of no liability.
- 2014 - Joshua obtained summary judgment on behalf of an employer, based upon the immunity provisions of the workers' compensation statute, in a lawsuit where the plaintiff/employee was killed in a mine collapse.
- 2013 - Joshua obtained a defense verdict in a lawsuit where he represented the driver of a motor vehicle who was involved in an accident with the driver of another motor vehicle. The jury took less than an hour of deliberation to return a verdict of no liability. The verdict was affirmed upon appeal.
- 2012 - Joshua obtained summary judgment on behalf of an insurance company in a first party property lawsuit, where the Court ruled that the plaintiff/policyholder made a material misrepresentation of fact on an application for insurance and, therefore, the insurance policy was void ab initio.
- 2012 - Joshua obtained summary judgment on behalf of a bank in a premises liability case where the Court ruled that the set of stairs upon which the Plaintiff fell was an open and obvious condition. The ruling was affirmed on appeal.
- 2012 - Joshua obtained summary judgment on behalf of an insurance company in a coverage action where the Court ruled that the "professional services" exclusion applied to exclude coverage for a

medical malpractice action against a physician who also sold health supplements as a part of his practice. The ruling was affirmed by the U.S. Court of Appeals for the Eleventh Circuit.

- 2011 - Joshua obtained a defense verdict on behalf of an insurance company in a first party property lawsuit where the jury found that the Plaintiff/policyholder made a material misrepresentation of fact on the application for insurance. The ruling was affirmed upon appeal.
- 2009 - Joshua obtained a defense verdict on behalf of an insurance company in a lawsuit for uninsured motorist coverage. The jury found that the Plaintiff/policyholder was not entitled to any benefits due to his extensive past medical history.
- 2008 - Joshua obtained judgment in favor of an insurance company in a suit for insurance coverage where the Court ruled, after a bench trial, that the "professional services" exclusion applied to exclude coverage for the ordinary negligence of an employee of the physician who was alleged to have committed medical malpractice.

Speaking Engagements

- Joshua has given numerous educational seminars to clients and professional groups as part of his legal practice.

Social Media:

- LinkedIn