

## Michael J. Paris

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A partner in the firm's Hollywood office, Michael J. Paris is a seasoned litigator who has 40 years of experience handling trials in both state and federal courts throughout Florida. He has defended numerous clients in legal matters ranging from trucking litigation, premises liability, and personal injury liability to construction and product liability cases. He also has experience with rental car liability claims. Michael is a former assistant state attorney and assistant public defender for Broward County, Florida. Michael has also taught as an adjunct professor at Nova Southeastern University Law School and is a certified circuit civil mediator.



### Practice Areas:

- General Liability & Casualty
- Trucking Litigation
- Products Liability
- Premises Liability
- Automobile Litigation
- Construction Litigation
- Intentional Torts
- Negligent Security
- Wrongful Death

### Admitted to Practice:

- Florida Bar, 1977
- U.S. District Court, Southern District of Florida, 1977
- U.S. District Court, Appeals Fifth Circuit, 1977
- U.S. District Court, Appeals Eleventh Circuit, 1981
- U.S. District Court, Middle District of Florida, 1997

### Education:

- Nova Southeastern University Law School, Juris Doctorate, 1977
- University of Miami, Bachelor of Business Administration, 1971

### Professional Affiliations:

- Trucking Industry Defense Association

### Honors & Awards:

- AV® Preeminent™ rated by Martindale-Hubbell
- South Florida's Top Rated Lawyers for 2012 and 2013
- Saia Trucking Casualty Claims Defense Counsel of the Decade 2000-2009

### Speaking Engagements:

- Conroy Simberg Claims Management Seminar, annually since 1998

## **Representative Experience:**

- The plaintiff was using her Billy Goat finish mower to cut long wet grass and the mower kept clogging up. In violation of the manual and warnings therein, the plaintiff placed her right hand below the cutting deck without turning off the mower on nine occasions without incident. On the tenth time, she severed a portion of her right thumb and damaged her index and middle finger. The plaintiff alleged that the Billy Goat mower was defective and that it did not use what its own expert believed were state of the art components. This resulted in the stopping time of the blades exceeding the ANSI standard of 7 seconds as well as the manufacturer's statement that the blades would stop within 5 seconds from the time you release the lever that controls the cutting blades. Plaintiff claimed over \$200,000 in past medical bills for 7 surgeries, and asked the jury for one to two million dollars, arguing that the jury should or could forgive the plaintiff for her conduct. The defense claimed that the mower had not been properly maintained and proved at trial through its expert that if properly maintained, the mower's cutting blades would stop within 1 second. The defense also argued that the Plaintiff read all of the warnings and the manual and she admitted that she understood them. Plaintiff's theories of liability were strict liability for design and warnings, and negligence in the design and warnings. The jury deliberated for slightly more than 2 hours, after which it returned a defense verdict on all counts.
- In a private nuisance claim after a two-day bench trial before Retired Circuit Judge Ed Garrison. The plaintiff alleged that our clients' air conditioning units, pool pumps and irrigation pump caused such extreme noise in his pool courtyard that he could not sit outside for more than 10 minutes without getting headaches and increased blood pressure. In addition to the private nuisance claim, the plaintiff amended the Complaint to include a diminution in value claim which was bifurcated prior to trial. Mr. Paris and Mr. Greco were successful in eliciting damaging testimony from plaintiff's experts on cross examination, including admissions that there was no evidence our clients' equipment violated the Palm Beach County Noise Ordinance. The plaintiff admitted on cross examination that he turned his own equipment off, relocated some of his own equipment and installed heavy duty windows without relief. Mr. Paris and Mr. Greco argued that the Plaintiff failed to demonstrate that the defendants' use of their property was unreasonable, that the Plaintiff did not suffer a legally recognizable tangible injury and that the Plaintiff was uniquely sensitive thereby defeating his claim. Judge Garrison ruled that the defendants' equipment did not create any unreasonable noise that interfered with the Plaintiff's reasonable use and enjoyment of his property and therefore did not constitute a nuisance under Florida law. After five years of litigation, during which the plaintiff refused to negotiate any abatement other than moving the equipment to the other side of the house, our clients were relieved to have the matter resolved in their favor.
- Tractor trailer hauling tandem trailers were in the process of exiting the Palmetto Expressway at 7 a.m. in Miami, Florida, moving to his right into the exit lane merging behind a green van. Suddenly, without warning, the green van swerved to the left revealing a disabled white van occupied by the driver, her mother, and her niece and nephew. The driver did not have emergency flashers on but was attempting to signal approaching vehicles with her left arm thru the driver's window to move to the left. The tractor trailer attempted to move quickly to the left without jackknifing the trailers, and partially rear ended the white Van resulting in a catastrophic accident, ejecting and killing the driver. The

case was tried for more than weeks in Miami Dade County resulting in a jury verdict finding the deceased driver 60 percent comparatively negligent.

- A statewide security company had an unarmed post at a Savings and Loan in North Miami Florida. The 81 year old unarmed security guard was sitting in a chair facing the parking lot and was approached by a passerby who advised the guard that an armed robbery was occurring in his bank. The security guard was observed on the surveillance video entering the bank by the rear door, peering around the corner and witnessing two armed men robbing one of the tellers. The guard quickly ran out of the bank passing the running getaway car and took cover on the north side of the bank. Moments later the robbers ran out of the bank and jumped in the car and fled. No arrests were ever made. The security guard company was sued by the bank for the monetary loss suffered by the bank as a result of this robbery. The theory of liability was that the security guard did nothing to deter or assist in the apprehension of the robbers. The case was tried for one week in Miami Dade County returning a defense verdict for the security company. In addition to the defense verdict, approximately \$70,000 in fees and costs were also recovered from the bank.
- A shoplifter was observed by a security guard, removing a book from a display in a book store, and eventually leaving the store without paying for the book. The police were called and the suspect was arrested for shoplifting. Subsequently the State Attorney's Office for Miami Dade County decided to nolle prosequi the shoplifting charges and subsequently the suspect filed a complaint against the security company and the book store for false arrest and malicious prosecution. The case was tried for one week in Miami Dade County resulting in defense verdicts for the security company and a plaintiff's verdict against the book store for malicious prosecution and was awarded \$25,000 as nominal damages, which was subsequently reduced to \$1 by the court.