



## **JONATHAN C. KOCH**

### **KOCH MEDIATION SERVICES**

701 South Howard Avenue, Suite 202

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#### **Experience:**

Mr. Koch has significant experience in a variety of complex commercial litigation and arbitration matters including antitrust and unfair competition, intellectual property infringements, trade secret misappropriation, securities litigation, class action defense, receiverships, commercial and employment contract litigation (including employee severance and non-compete agreements), partnership and corporate dissolutions and disputes, professional malpractice and product liability. He also has significant experience in the sports and entertainment area, representing various high-level professional athletes in a variety of litigated and non-litigated matters. In the non-profit area, he is long-time counsel to two international trade associations and one highly successful public charity.

#### **Mediation Practice:**

Since 1990, Mr. Koch has been certified as a mediator by the Supreme Court of Florida and the United States District Court for the Middle District of Florida. In that

capacity he has mediated hundreds of complex commercial cases in a large variety of matters.

Mr. Koch has practiced in every size law firm, ranging from two of the largest multi-office international firms to solo practice. In 2014, he left a mid-size firm to resume a solo practice concentrated on mediation and alternative dispute resolution.

Mr. Koch maintains a dedicated mediation facility in Tampa's popular SoHo district, with free on-site parking and excellent proximity to the airport, hotels and numerous restaurants.

#### Education:

- Muhlenberg College, Allentown, PA: B.A. 1975
- University of Virginia School of Law: J.D. 1979

#### Bar Admissions:

- Ohio 1979 (inactive)
- Florida 1983
- United States Court of Appeals for the 11<sup>th</sup> Circuit
- United States District Courts, M.D. and S.D. Florida

#### Professional Affiliations:

Mr. Koch was involved for many years in the activities of the Business Law Section of the Florida Bar and has served as the chairman of its Business Litigation Committee. He has been a frequent speaker at seminars on commercial litigation and alternative dispute resolution topics sponsored by the Florida Bar and other organizations. In 2004 and 2006, he was a speaker and moderator at seminars on international alternative dispute resolution (mediation and arbitration) sponsored by the Center for International Legal Studies in Salzburg, Austria. He was a charter member (2001-06) and Vice Chairman (2003-06) of the Antitrust Certification Committee of the Florida Bar Board of Legal Specialization and Certification, and has served as a member of the Florida Supreme Court's Committee on Standard Jury Instructions—Contract & Business (2006-09) and the Thirteenth Judicial Circuit's Business Courts Committee. Mr. Koch is also a member of the American Bar Association (sections on Antitrust, Litigation, Business Law and Dispute Resolution), the Hillsborough County Bar Association, and a past member of the Sports Lawyers Association.

#### Honors and Recognitions:

Mr. Koch has been recognized by various publications, including an AV Preeminent® rating from Martindale-Hubbell®; recognition from *Best Lawyers in America* (2008-present) in various categories including antitrust, commercial litigation, and intellectual property litigation); *Florida Trend Magazine's* Florida Legal Elite (2009-12 in

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various categories including commercial litigation, business litigation, antitrust litigation, and entertainment and sports); and Florida Super Lawyers (2012-present).

Mr. Koch was invited to membership in the National Academy of Distinguished Neutrals and the Florida Circuit-Civil Mediator Society.

### Pro Bono and Charitable:

Mr. Koch has been a member of the Resource Council of Derek Jeter's Turn 2 Foundation since 2002. He was the past President of The Spring of Tampa Bay, Florida's largest domestic violence shelter. Mr. Koch successfully represented a death-sentenced inmate in collateral appeals before the Florida Supreme Court, achieving a vacation of the death sentence. *Parker v. State*, 643 So.2d 1032 (Fla. 1994).

### References:

Available upon request.

### Representative Matters:

Mr. Koch has litigated the following representative matters as primary counsel or co-counsel:

- Defense of a world #1 ranked tennis player in federal court litigation brought by a shoe and apparel company for breach of an endorsement contract and fraud;
- Defense of a different world #1 tennis player in federal court litigation over rights of publicity arising from an unauthorized video production sold in the U.S. and Japan;
- Defense of a top ten tennis player in federal court litigation brought by a major sports management agency asserting breach of an agency/representation contract;
- Defense of a world #1 ranked tennis player in federal court litigation brought by a major sports management agency asserting breach of an agency/representation contract;
- Negotiation and pre-litigation on behalf of an underage professional tennis player in disaffirming a shoe and apparel endorsement contract with a European manufacturer;
- Federal court litigation on behalf of an underage professional tennis player

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and Wimbledon semi-finalist establishing the illegality of a personal loan from a major U.S. bank;

- AAA arbitration on behalf of a major professional league head coach regarding payments due him from the team following termination of his services;
- Litigation oversight and advice on behalf of a professional golfer charged with breach of a sports agent/representation contract;
- Representation of a prominent professional baseball coach and scout with respect to defamation in a former player's "memoir";
- Representation of an All-Pro professional football player in litigation to recover monies lent to his former agent;
- Representation of an All-Star professional basketball player seeking to recover personal and corporate records from a former agent;
- Defense of a prominent sports recreation and training facility in the investigation and pre-litigation of matters involving accidental and alleged wrongful deaths, including advice with respect to subsequent remedial measures;
- Representation of a private secondary school in administrative rule-making procedures before the FHSAA;
- Defense of a major telecommunications company in class action litigation alleging fraud in the promotion and sale of telephone services;
- Defense of a major telecommunications company in multi-million dollar federal court garnishment proceedings brought by the holders of wrongful death judgments against terrorist regimes in both Cuba and Iran under the Foreign Sovereign Immunities and Terrorism Risk Insurance Acts;
- Representation of a major food container manufacturer in breach of warranty arbitration resulting from an FDA product recall;
- Defense of former directors of a liquidated property/casualty insurer in litigation alleging breach of fiduciary duty;
- General antitrust advice and antitrust litigation defense for a leading beverage manufacturer;

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- Class action defense of a broadcast media company in shareholder litigation alleging securities fraud in connection with an initial public offering;
- Defense of a federal savings and loan in federal court litigation brought by more than a hundred borrowers alleging securities fraud in the promotion and sale of a hotel/condominium project;
- Representation of the state-appointed receiver of an oil and gas Ponzi scheme;
- Representation of the lender in a federal court fraud action resulting in the imposition of a receivership on the largest marina on the West Coast of Florida;
- Receiver's counsel in the receivership of a 5-star Palm Beach Hotel;
- Receiver's counsel in the receivership of a prominent real estate development attorney charged with misappropriation of client funds;
- Defense counsel for the officers and inside directors of a Fortune 500 company in shareholder class action litigation following a hostile takeover;
- Representation in arbitration and federal court litigation of numerous high-ranking corporate executives seeking to enforce severance ("golden parachute") agreements;
- Numerous trade secret and non-compete covenant matters in state and federal court for both plaintiffs and defendants;
- Antitrust and general counsel for international trade associations in food products and manufacturing industries;
- Representation of minority shareholders in dissolution and buy-out disputes in close corporations and partnerships;
- Defense of various proceedings arising under the Fair Debt Collection Practices Act and the Florida Consumer Collection Practices Act;
- Co-counsel for plaintiff in related patent infringement actions involving a staple food product process patent;
- Representation of defendants in various infringement actions under the Lanham Act;

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- Representation of a major beverage manufacturer in federal court litigation involving deceptive advertising by a competitor;
- Product liability defense for a major U.S. large appliance manufacturer;
- General representation of three different distributors of industrial pumping and controls equipment, including contract and employment litigation;
- Defense of a professional architect in litigation alleging professional negligence in the design of a public school;
- Defense of a regional engineering firm in litigation alleging improper design of a landfill facility;
- Representation of a municipal plaintiff alleging malpractice in the design of a utilities plant;
- Defense of a Fortune 500 conglomerate in litigation alleging fraud in the sale of a subsidiary to a major European electronics manufacturer;
- Defense of a major telecommunications company against a claim by a governmental entity of misrepresentation and breach of warranty in the sale of telephone equipment.

### *Presentations:*

- November, 2010 (Las Vegas) and November, 2009 (Orlando), International Packaged Ice Association, “Antitrust Update.”
- November, 2008 (Colorado Springs), International Packaged Ice Association, “Basic Antitrust Concepts in Relations between Competitors.”
- June, 2006 (Salzburg, Austria), Center for International Legal Studies, International Mediation and Arbitration Seminar (moderator and panelist on international construction mediation).
- May, 2006 (Tampa), Florida Bar Business Law Section, Business Litigation Committee, “Advice from the Experts—Commercial Litigation in Federal Court” (panel on mediation).
- January, 2006 (Miami), Florida Bar Business Law Section, Business Litigation and Computer Law Committees, “Electronic Discovery” (moderator and conference co-chair).

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- February 2005 (Tampa), Florida Bar Business Law Section, Business Litigation Committee, “Commercial Arbitration” (moderator and conference co-chair).
- October, 2004 (Orlando), Florida Bar Business Law Section, Business Litigation Committee, “Advice from the Experts—Commercial Litigation in Federal Court” (conference co-chair and panelist on expert witnesses).
- June, 2004 (Salzburg, Austria), Center for International Legal Studies, Conference on International Mediation and Arbitration (speaker on “Effective International Mediation Advocacy”).
- Additional presentations at Florida Bar and other seminars on commercial litigation topics including trade secrets, non-compete covenants, antitrust, breach of fiduciary duty, and topics in commercial litigation practice and procedure.

### Employment:

- 1979-83: Jones, Day, Reavis & Pogue, Cleveland—Associate;
- 1983-1993: Holland & Knight, Tampa—Associate and Partner;
- 1993-2002: Jonathan C. Koch, P.A., Tampa;
- 2002-2003 (dissolution of firm): Salem Saxon, P.A, Tampa.—Head of Litigation Department;
- 2003-04: Jonathan C. Koch, P.A., Tampa;
- 2004-06 (dissolution of firm): Bales & Weinstein, Tampa—Of Counsel;
- 2007-2014: Bush Ross, P.A., Tampa—Shareholder;
- 2014-present: Koch Mediation Services/Law Offices of Jonathan C. Koch, Tampa.