



MICHAEL R. WHITT

PARTNER



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Michael R. Whitt is a trial-tested attorney with 34 years of experience, concentrating his trial practice in the areas of business litigation, eminent domain and real estate disputes. Mike's experience includes a wide array of business and real estate litigation, including contract disputes, eminent domain, zoning and land use, boundary and title disputes, housing discrimination, defense of ADA claims, community association litigation, as well as trademarks, trade secrets, construction litigation, fraud claims and whistleblower actions. Mike is Board Certified by The Florida Bar as a Specialist in Business Litigation. In these areas, and throughout the trial process, Mike has counseled individuals and small businesses, as well as Fortune 100 companies, internationally known recording artists, and foreign individuals and businesses.

Mike also leverages his deep understanding of eminent domain laws and his knowledge of government and construction regulations to counsel his clients through all stages of the eminent domain process, from initial acquisition procedures through litigation, and maximize the compensation they receive.

Representative Experience

- Obtained permit approvals for two separate rock mines despite intense opposition from neighboring owners, environmental groups and County staff. Both cases followed multi-day contested evidentiary hearings.
- Defended challenge by a neighboring property owner, allowing the development of a multimillion dollar botanical and sculpture garden to proceed.
- Represented a Saudi Company seeking recovery of a stolen super yacht.
- Obtained judgment for a Panamanian company enforcing promissory notes, resulting in a receivership of a failed publicly traded company.
- Defeated a \$2 million+ claim by a participating bank against the lead bank based on alleged breaches of the Participation Agreement and claims of fraud, resulting in a voluntary dismissal of the claim.
- Foreclosed on a failed condominium project with an eight-figure value, despite a vigorous defense and counterclaims, securing the collateral for the lender.
- Defended client's multi-million dollar waterfront property from bank foreclosure, by imposing liability onto third parties.
- Represented a School Board in two separate actions against developers claiming an exemption from the school impact fee ordinance. Both cases settled with the School Board's collection of seven-figure impact fees on both projects.
- Obtained injunction against fabricator of specialized manufacturing equipment who was holding the equipment "hostage" in an overseas port threatening ruination of the client's business. Obtained an injunction ordering the release of the equipment, thus allowing the client to begin its Malaysia-based manufacturing operations.



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- Defended two condominium associations charged by the U.S. Government with housing discrimination under the Fair Housing Amendments Act. One case resulted in a defense verdict in favor of the Association and the individual Board members named as defendants following a lengthy federal court trial. The other case resulted in a voluntary dismissal of the discrimination case by the U.S. Attorney's Office only days before the federal court trial was set to commence.

Publications & Speaking Engagements

- Speaker, "Can You Dig It? The Valuation of Fill Materials in Determining Fair Market Value of Condemned Property," Florida Eminent Domain Conference, November 2020.
- Speaker, "Eminent Domain: Where the 'Art of War' meets the 'Art of the Deal,'" Collier County Bar Association, May 2018.
- Author, "Takings: Your Rights, Business Damages and Preventive Measures," *International Council of Shopping Centers*, January 2018.
- Speaker, "Case Law Update 2017: Is the Larger Parcel Theory Now Just a MURR-age? The SCOTUS Decision in *Murr v. State of Wisconsin* and Other Selected Cases," Association of Eminent Domain Professionals, September 2017.
- Author, "Fair Market Rent: Avoiding Its Commonly Uncommon Meaning...and Litigation," *International Council of Shopping Centers*, August 2017.

Professional History

- Partner, Hahn Loeser & Parks LLP, 2018-present.
- Partner, Robins Kaplan LLP, 2014-18.
- Partner, Becker & Poliakoff, 1990-2014.

Admissions

- State of Florida, 1987
- U.S. District Courts for the Middle, Northern, and Southern Districts of Florida; U.S. Court of Appeals for the Eleventh Circuit; U.S. Supreme Court.

Education

- Nova Southeastern University, J.D., 1987.
- Northern Kentucky University, B.S., 1984.

Memberships & Affiliations

- The Florida Bar, Eminent Domain Committee.
- Association of Eminent Domain Professionals, President, 2018-19.
- Southwest Florida Federal Bar Association, Member.

Awards & Distinctions

- Florida Bar Board Certified Business Litigation Lawyer.
- *The Best Lawyers in America*®, Commercial Litigation, 2023; Litigation – Real Estate, 2021-23; Eminent Domain and Condemnation Law, 2022-23; Real Estate Law, 2023.
- AV Preeminent®, Martindale-Hubbell.
- Top Lawyer, *Naples Illustrated*, Eminent Domain and Condemnation Law, 2021-22.

Community Involvement

- Reciprocal Ministries International.
- McGregor Student Ministry.