



# Mark A. Romance

## Partner

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## Overview

Mark Romance, a seasoned trial and appellate attorney, represents diverse clients in complex civil litigation. Mark has extensive experience representing clients in cases involving multimillion-dollar claims in high-stakes litigation on behalf of high-net-worth individuals, corporations and fiduciaries. He has obtained numerous judgments for clients in complex litigation cases, including trial and pre-trial victories in arbitration and state and federal trial and appellate courts. Mark also serves as co-chair of the firm's Fiduciary and Probate Litigation practice.

Mark has handled a diverse range of litigation matters. For example, he has successfully defended companies in product liability and consumer matters, including against class claims brought under the Telephone Consumer Protection Act (TCPA). He has tried cases to verdict in fraud, intellectual property, real estate, employment, non-compete and theft of trade secret claims.

In addition, Mark handles sophisticated estate and trust litigation in Florida, including representation of competing beneficiaries in will and trust disputes, personal representatives, trustees and curators in involving alleged breaches of fiduciary duty, protecting an estate during will and trust disputes and disputes over admission of wills and nomination of competing putative personal representatives.

## Experience

*No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.*

Successfully obtained dismissal of class action claims filed in the Northern District of California, where plaintiffs sought to hold client liable for calls and messages allegedly delivered by its independent realtor customers in violation of the Telephone Consumer Protection Act (TCPA) and sought over \$250 million in damages for more than 150,000 potential class members after securing order denying plaintiffs' Motion for Class Certification after more than two years of litigation

Served as lead trial counsel in Miami federal court trademark infringement case where a mass market manufacturer of makeup sold exclusively at Walmart and the manufacturer's online store, sued our client, a high-end international manufacturer of cosmetics products sold in exclusive beauty stores and upscale department stores, for trademark infringement seeking

## Practices & Industries

[Complex Commercial Litigation](#)

[Construction](#)

[Consumer Finance & Creditors' Rights](#)

[Fiduciary and Probate Litigation](#)

[Intellectual Property Litigation](#)

[Litigation](#)

[Mass Tort Litigation](#)

[Product Liability & Torts Litigation](#)

[Real Estate Litigation](#)

[Restrictive Covenants & Trade Secrets](#)

over \$7 million in damages representing disgorgement of profits; successfully secured a defense verdict after a non-jury trial and represented client in the affirmance on appeal

Served as trial counsel for Fortune 100 product manufacturer in Massachusetts state court in wrongful death lawsuit alleging product liability claims, where jury returned a verdict for client after a four-week trial; similarly, defended same Fortune 100 company in numerous asbestos product liability claims filed throughout Florida's state courts

Represented international insurance brokerage firm in multi-day non-jury injunction hearing in defense of claims of violation of non-compete agreements by 25 individuals hired from a competitor Retained by Ohio-based bank to prosecute 65 complicated residential foreclosure cases in four counties in Florida, involving mortgages the bank acquired from original lenders through the FDIC and involving numerous procedural defenses in order to ensure judgments were obtained with clear title; took over the cases from prior counsel and obtained final judgments of foreclosure through summary judgment or non-jury trial and handled the sale

Defended a Fortune 100 company in defense of numerous product liability claims filed throughout Florida's state courts arising out of use of client's safety products during alleged exposure to asbestos

Defended a Fortune 100 Company in a significant product liability lawsuit, where a condominium building in Miami Beach, Florida, was constructed using a fire safety product that allegedly caused leaks in the building's fire sprinkler system and the condominium association sought damages to replace the entire fire sprinkler system and for costs associated with repairs previously made to the building.

Defended seven former employees of international investment firm against claims of misappropriation of trade secret, breach of non-solicitation agreements and breach of fiduciary duty; served as co-counsel in temporary injunction hearing held in local court in San Juan, Puerto Rico, where court denied firm's request for a temporary injunction, and ultimately settled similar claims in FINRA arbitration proceeding for nuisance value; Successfully represented more than one hundred other financial advisors in separate cases with respect to alleged violations of non-compete, non-solicitation and trade secret violations with alleged damages in the multimillion dollar range; resolved some cases before lawsuits were filed, while others involved defending claims seeking injunctions and monetary damages in court and arbitration proceedings

Represented plaintiff in a claim for breach of an employment contract, where the client entered into an employment agreement where a portion of her compensation was based on the net profits on the sale of any portion of a 19-acre multitract parcel of land in Miami; Employer subsequently transferred title to 11 of the 19 acres to a developer in a joint venture and claimed no sale occurred and there were no net profits; court in a non-jury trial entered judgment in favor of employee finding that the transaction was a sale and that the sale resulted in \$1.6 million in profits, as well as awarding the employee her attorney fees and costs

Defended trustee owner of property against claims arising out of an alleged promise to sell a 120-acre tract of land, where claimant tried to block trustee's sale to another purchaser, alleging specific performance, breach of contract, fraud and civil RICO; trial court granted summary judgment for trustee on all counts, affirmed on appeal, and determined that the lawsuit was filed in bad faith, awarding trustee his attorney fees

Represented the owner of undeveloped oceanfront property in Juno Beach, Florida, in defense of a claim of specific performance of a real estate contract, where the significant issue was whether the seller waived its right to enforce a "time is of the essence" clause after purchaser failed to pay a required deposit; successfully obtained a verdict in favor of owner after non-jury trial

Represented brother and sister who challenged their father's last will and testament against step-mother, siblings, and corporate trustee in a will contest involving multiple millions of dollars on grounds that the will was procured by undue influence; settled at mediation on the eve of trial

Represented charity defendant in claim involving an attempt to enforce a lost or destroyed will, where the personal representative located a copy of a subsequent will, which substituted one charity beneficiary for another, that they attempted to enforce by reestablishing a lost instrument under Florida law after the decedent died; after discovery, and on the eve of trial, the case resolved with the charities dividing the bequest

Defended Fortune 100 company in federal court against claims of trademark infringement and violation of the Anti-Cybersquatting Protection Act, arising out of company's ownership, but not use, of a website domain name that included plaintiff's trademark; trial court granted summary judgment in favor of company holding that company did not use the trademark in commerce, there was no likelihood of confusion and that the claims were barred by laches, and the judgment was affirmed on appeal

Represented a technology company in state court to prosecute claims for specific performance of an internet marketing agreement, breach of contract and declaratory judgment arising out of a marketing services contract concerning website traffic; after non-jury trial, the trial court granted our client's request for specific performance, ordered the defendant to deliver electronic information located on its computer servers, determined that the defendant had breached the contract and entered judgment in favor of our client

Represented respondent in arbitration action in damages phase in claim, where claimant sought over \$5 million in damages, for breach of distribution agreement involving Russian language television programming; arbitrator awarded damages to the claimant in an amount less than ten percent of its claim to our client's satisfaction

Successfully defended commercial tenant as to landlord's claim for alleged unpaid common area expenses in excess of \$8 million; judgment entered in tenant's favor after trial on the merits and affirmed on appeal

Defended lender in state court action involving civil conspiracy claims arising out of lender's termination of revolving line of credit; trial court granted summary judgment for lender and judgment was affirmed on appeal in per curium decision

## Education and Credentials

### Education

St. Thomas University School of Law, J.D., with High Honors; *The St. Thomas Law Review*, Editor-in-Chief

The George Washington University, B.A.

### Admissions

State of Florida

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. Court of Appeals for the Eleventh Circuit

U.S. Supreme Court

### Affiliations

American Bar Association, Litigation Section, Pretrial Practice and Discovery Committee, Co-Chair; Commercial and Business Litigation Committee, Former Co-Chair

International Trademark Association (INTA), Law Firm Committee

Florida's Eleventh Circuit Judicial Nominating Commission, Former Chair

The Florida Bar, Young Lawyers Division, Board of Governors, Former President; Board of Governors; Civil Procedure Rules Committee, Former Chair

Florida Supreme Court Professionalism Commission, Former Member

Dade County Bar Association, Young Lawyers Section, Board of Directors, Former Member

# Recognition and Community

*No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome. See Awards Methodology.*

## Recognitions

Chosen for inclusion in the *Chambers USA Legal Directory* (Chambers & Partners) of recognized practitioners for Litigation: General Commercial in Florida, 2023-2024

Chosen for inclusion in *The Best Lawyers in America* (Woodward/White, Inc.), Bet-the-Company Litigation, 2010-2018, 2020-2025, Commercial Litigation, 2010-2018, 2020-2025

Selected to the list of Florida *Super Lawyers* (Thomson Reuters), Business Litigation, 2009-2016, 2019-2020, 2023-2024

Selected to list of *South Florida's Top Lawyers* by the *South Florida Legal Guide*, 2020

*Recipient of Key Partners Award* from the *South Florida Business Journal* (American City Business Journals), 2012

Recipient of the Most Effective Lawyer Award in the Regulatory Law from the *Daily Business Review* (ALM Media Properties, LLC), 2008

Graduated valedictorian of his class at St. Thomas University School of Law, 1994

AV Preeminent rated by Martindale-Hubbell (LexisNexis)

## Insights

Annual Judicial Reception, Miami-Dade Chapter of the Florida Association of Women Lawyers  
December 5, 2024

Tradition vs. Technology: Original Paper Wills Are Still Required  
November 7, 2024

Tips for Navigating First-Time Trial Preparation  
October 18, 2024

Texas Court Invalidates FTC Noncompete Rule Nationwide  
August 21, 2024

Texas Ruling Puts Future of FTC Noncompete Rule in Doubt  
July 10, 2024

FTC's New Rule Usurps Florida's Public Policy on Noncompete Agreements  
May 14, 2024

Five Tips About Local Counsel Handling Out-of-State Cases  
April 30, 2024

FTC Adopts Near-Total Ban on Noncompete Agreements  
April 24, 2024

Insights Into Florida Trust and Estate Litigation Trends  
April 3, 2024

New FCC Rules for Revocation of Consent under the TCPA  
March 28, 2024

"Oro De Ley," 50th CABA Gala

January 27, 2024

New FCC Rules for Marketing Using Text Messages and Obtaining Marketing Leads

January 9, 2024

"Judicial Reception," Florida Association for Women Lawyers – Miami Dade Chapter

December 6, 2023

What Partners Can Learn From Associates: Top Five Insights

November 2, 2023

The 11th Circuit Finds a Single Text Message Sufficient Injury for Article III Standing

July 26, 2023

Florida Legislature Passes Amendments to the FTSA

May 11, 2023

FTC Takes Historic Action Against the Enforcement of Non-Compete Agreements

January 17, 2023

TCPA: Revisions to FCC Regulations Regarding Prerecorded Voice Message Calling

January 12, 2023

FCC Concludes Ringless Voicemails Are 'Calls' Subject to the TCPA

November 28, 2022

Day Pitney Intellectual Property and Litigation Partners Host Cocktail Reception in Miami

November 16, 2022

The "STOP WOKE Act" – Florida's Attempt to Prohibit Mandatory Employee Diversity Training Put on Hold for Now

October 21, 2022

Five Important but Often Overlooked Aspects of Consumer Class Actions

September 29, 2022

The Delaware Supreme Court Adopts a Universal Demand-Futility Test in Facebook Investors' Derivative Suit

September 27, 2021

UNITED STATES: Major League Soccer Trademark Challenge Denied

February 17, 2021

UNITED STATES: GOD BLESS THE USA Trademark Denied

January 25, 2021

Florida Votes to Increase Minimum Wage to \$15 per Hour Over Six Years

November 30, 2020

U.S. Trademark Trial and Appeal Board Clarifies Rules of Admissibility of Evidence

October 15, 2020

COVID-19 Impact on Florida Real Estate - Limited Extension of Mortgage Foreclosure and Eviction Relief Until October 1, 2020

September 18, 2020

COVID-19 Impact on Florida Real Estate - Limited Extension of Mortgage Foreclosure and Eviction Relief Until September 1, 2020

August 4, 2020

COVID-19 Impact on Florida Real Estate - Suspending Foreclosures and Residential Evictions Until August 1, 2020

July 8, 2020

Supreme Court Declines to Invalidate the TCPA Cell Phone Calling Restrictions

July 7, 2020

Florida Governor Issues Stay-at-Home Order, Designates Essential Services During COVID-19 Pandemic

April 7, 2020

COVID-19 Impact on Florida Real Estate - Suspending Foreclosures and Residential Evictions for 45 Days

April 6, 2020

COVID-19 Impact on Florida Commercial Real Estate, Tenant Resources

April 2, 2020

Five Tips for Representing a Non-Party Served with a Document Subpoena: Welcome to the Party?

November 29, 2019

Five Tips for an Effective Mediation Statement

September 19, 2019

New Florida Law Affects the Enforcement of Physician Non-Compete Agreements

September 11, 2019

## News

Day Pitney Names New Chairs of Fiduciary and Probate Litigation Practice Group

November 21, 2024

Mark Romance Appointed Co-Chair of Pretrial Practice And Discovery Committee of ABA Litigation Section

September 3, 2024

Day Pitney's Florida Offices Pack School Supplies for Chapman Partnership

August 2, 2024

Chambers Recognizes Day Pitney with Elevated Rankings Across Practices and Attorneys

June 6, 2024

Day Pitney Named a Finalist in the MDFAWL's Law Firm Champion of Women Award

May 20, 2024

Chambers USA 2023 Ranks 35 Day Pitney Attorneys and 13 Practices

June 1, 2023

Mark Romance Reappointed Co-Chair for the Commercial & Business Litigation Committee for the ABA Litigation Section

August 1, 2022

Court Rules that Platform Provider Not Proper Defendant in TCPA Class Action

March 31, 2022

Day Pitney Partner Mark A. Romance Appointed to Serve as Co-Chair for the Commercial & Business Litigation Committee for the American Bar Association Litigation Section

August 9, 2021

Mark A. Romance Appointed To The Florida Bar Special Presidential Committee

May 7, 2014

# In The Media

## Top Ten Tips for New Litigators

Litigation Section of the American Bar Association, February 4, 2025

## On the Move - Florida | January 2025

Florida Bar News, January 31, 2025

## On the Move - Florida | December 2024

Florida Bar News, December 23, 2024

## Day Pitney Names Mark Romance and Ann Hetherwick Cahill Chairs of Fiduciary and Probate Litigation Practice Group

November 21, 2024

## Companies Face New Penalties for Improper Data Collection

American Bar Association's Litigation News, June 25, 2023

## The FTC's Proposed Regulation to Ban Noncompetes: What, Why, How

American Bar Association, January 23, 2023

## Listing Former Lawyer As Witness Waives Privilege

American Bar Association's Litigation News, January 26, 2023

## Business Begins Angling To Scale Back FTC's Proposed Limits on Noncompete Agreements

Inside Radio, January 18, 2023

## How to Handle the Unexpected in Court

Litigation Radio, May 17, 2022

## "What To Do When It All Goes Wrong," Litigation Section of the American Bar Association

May 9, 2022

## Law School To Career: My Job as a Partner at Day Pitney

St. Thomas University, January 12, 2022

## Mark Romance Appointed ABA's Business Litigation Committee Co-chair

American Bar Association (ABA), September 3, 2021

## Civil Theft Claims Not Barred by Economic Loss Rule

American Bar Association, February 12, 2020

## New Rule Requires Foreign Applicants to Be Represented by U.S. Lawyer

INTA Bulletin, August 1, 2019

## No Jury For TM Claims Over Disgorged Profits, Says 11th Circ.

Day Pitney Press Release, April 24, 2019

## Day Pitney and Richman Greer Complete Merger, Further Expanding Presence in Florida

Day Pitney Press Release, January 1, 2019

## United States: Trademark Trial and Appeal Board Cancels Trademark on Scant Evidence of Prior Use

International Trademark Association, INTABulletin, September 15, 2018

## Guide for Young Lawyers Going to Trial in Civil Cases

American Bar Association, Litigation News, September 9, 2018

## Plaintiff's Testimony Too Incredible to Defeat Summary Judgment

American Bar Association, Litigation News, May 25, 2018

## United States: Trademark Trial and Appeal Board Accepts Misfiled Expert Disclosures as Timely Filed

International Trademark Association, INTABulletin, May 1, 2018

**Key Strategies to Protect Your Client From a Former Employee**  
American Bar Association, Litigation News, March 16, 2018

**Miami Lawyers Crunch Hard Candy Cosmetics Infringement Claims**  
Daily Business Review, February 16, 2018

**Five Tips to Reducing the Risk of Litigation**  
Small Business Digest, September 30, 2016

**Trial Preparation: 3 Tips for Starting with the End in Mind**  
American Bar Association, Litigation News, September 21, 2016

**How non-compete agreements protect business assets**  
Smart Business, February 28, 2016

**Tips for Businesses to Avoid Litigation**  
Smart Business, February 25, 2016

**Add Discrimination Claims to Chipotle's List of Problems**  
The Corporate Counsel, January 28, 2016

**Eleventh Circuit Finds Users of Free Apps Not Protected under Video Privacy Protection Act**  
American Bar Association, Litigation News, October 30, 2015