

MICHAEL G. ARCHIBALD

OFFICE MANAGING ATTORNEY
SHAREHOLDER



AREAS OF PRACTICE

General Liability
Miscellaneous Professional Liability
Product Liability
Automobile Liability
Trucking & Transportation Liability
Hospitality & Liquor Liability
Premises & Retail Liability
Construction Injury Litigation
Catastrophic Claims Litigation

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201 E. Kennedy Boulevard
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ADMISSIONS

Florida
1999

U.S. District Court Middle District
of Florida
2003

U.S. District Court Northern District
of Florida
2003

U.S. District Court Southern
District of Florida
2003

U.S. Court of Appeals 11th Circuit
2004

OVERVIEW

Michael is a shareholder in the firm's Casualty Department and the Managing Attorney of the Tampa office. He represents some of the nation's largest insurance carriers and their insureds in a wide variety of product liability, premises liability, motor vehicle negligence and contract disputes. A former public defender and Marine, he brings his "hard-charging" work ethic to every engagement, whether he's assisting clients in evaluating claims made against them or defending them at trial.

With more than 20 years of experience, Michael handles all phases of litigation, from pre-suit negotiations to the courtroom, when necessary. He has successfully represented clients in routine and complex litigation involving uninsured/underinsured motorist claims, personal injury slip-and-fall matters, property damage cases, product liability matters, negligent security, and wrongful death cases.

EDUCATION

University of Florida College of
Law (J.D., 1998)

Florida Agricultural & Mechanical
University (B.S., B.C.J., magna
cum laude, 1995)

HONORS & AWARDS

Best Lawyers in America®,
Personal Injury Litigation –
Defendants
2024

ASSOCIATIONS & MEMBERSHIPS

Florida Bar Association

Hillsborough County Bar Association

National Bar Association

YEAR JOINED

2002

THOUGHT LEADERSHIP

On the Pulse ... A Fine View and Lots To Do in Tampa, Florida

Tampa

December 10, 2018

Defense Digest, Vol. 24, No. 4, December 2018 By Michael G. Archibald, Esq.* Defense Digest, Vol. 24, No. 4, December 2018. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

Negligent Security Claims In Florida: the "Victim-Targeted" Defense

Tampa

General Liability

March 1, 2017

Defense Digest, Vol. 23, No. 1, March 2017 by Michael G. Archibald, Esquire Key Points: Defense Digest, Vol. 23, No. 1, March 2017. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

Florida's Proposals for Settlement in Dangerous Instrumentality Cases

Tampa

General Liability

June 1, 2010

Florida - Settlements Key Points: Defense Digest, Vol. 16, No. 2, June 2010

CLASSES/SEMINARS TAUGHT

Using Crime Grids in Negligent Security Claims, Marshall Dennehey Florida Claims Symposium - *The Best Defense is a Good Offense*, Orlando, FL, September 17, 2014

PUBLISHED WORKS

"Negligent Security Claims In Florida: the "Victim-Targeted" Defense," *Defense Digest*, Vol. 23, No. 1, March 2017

"Florida's Proposals for Settlement in Dangerous Instrumentality Cases," *Defense Digest*, Vol. 16, No. 2, June 2010

MILITARY SERVICE

United States Marine Corps, 1987-1991

SIGNIFICANT REPRESENTATIVE MATTERS

Defense verdict in lawsuit filed against a major, nationally recognized retail chain alleging both intentional torts and negligence. Client was entitled to recover attorneys' fees and costs based on issuance of Proposal for Settlement/Offer of Judgment.

Favorable verdict in motor vehicle accident trial in which client admitted negligence in the operation of a motor vehicle. Verdict was favorable in that jury awarded far less than what client had previously offered plaintiff at mediation.

Dismissal of premises liability case after deposition of third party plaintiff. Upon careful interrogation of claimant, it was revealed during the deposition that the documents offered in support of the claim were not what they were purported to be.

Apartment complex owner defense: An invitee fell down a flight of concrete steps breaking bones and incurring substantial medical bills. She brought suit against the apartment complex to recover her damages. Witnesses that came to the plaintiff's aid immediately after the fall inspected the stairs and found nothing that would have caused the fall. Additionally, during her deposition testimony the plaintiff was unclear as to what she believed caused her to fall. Defendant's Motion for Summary Judgment was granted, with the defendant entitled to recover fees and costs.

Retailer subrogation defense: Plaintiff insurer alleged that defective installation of a dryer caused a fire that destroyed an entire floor of an apartment complex. After paying its insured based on its contract of insurance, the insurer then filed a subrogation suit against the retail merchant. The jury returned a defense verdict in favor of the retail merchant. Defendant entitled to recover costs.

Apartment complex owner negligent security/wrongful death defense: A 21-year-old apartment complex tenant was shot and killed during the night while in the playground area of the apartment complex. The assailant was never identified and the crime remained unsolved. He was survived by

his parents and 3-year-old daughter. Lawyers for the estate made a demand in the amount of \$9,000,000.00. The jury found the defendant liable for not having any security measures in place but also found the decedent to be 68 percent liable for his own death. The jury award to the estate was \$333,000.00. The estate's appeal was unsuccessful.

Insurance company uninsured/under-insured motorists defense: Plaintiff filed an under-insured motorists claim against his insurer based on auto accident. He had already received the policy limits from the other driver's insurance policy and sought to benefit from his UM policy. The jury agreed that the accident in question was the plaintiff's fault and rendered a defense verdict in favor of the plaintiff's insurance company.

Grocer defense: Plaintiff filed suit alleging that he slipped and fell in liquid that was left unattended on defendant's floor. The plaintiff had multi-level lower back surgery. Plaintiff's key witness was a friend who was less than credible. Under cross-examination the plaintiff's and his key witness's stories diverged. The jury found in favor of the defendant. Defendant entitled to recover fees and costs.

Corporate defendant in rear-end auto accident: Corporate defendant fleet vehicle approached intersection wherein the traffic light was red for his lane. The fleet vehicle was second in line. The light turned green. The plaintiff who was in the vehicle just ahead of the corporate defendant's vehicle began to go and then abruptly stopped. The fleet vehicle rear-ended the plaintiff's vehicle. In the 2 years to follow, the plaintiff had three surgeries (TMJ, knee and shoulder) all allegedly due to the rear end collision. Defendant stipulated to liability and challenged causation. Defense verdict with defendant entitled to recover fees and costs due to offer of judgment.

Retail merchant slip and fall: Plaintiff alleged that the floor was wet with liquid which caused her to slip and fall incurring an injury requiring surgery. Her key witness was her adult son who was with her when the alleged incident occurred. Despite giving deposition testimony favorable to his mother's case, at trial on cross-examination he admitted that when he inspected the floor immediately after the alleged fall, he saw nothing that would have caused her to fall. Defense verdict with defendant entitled to recover fees and costs.

Retail merchant defense: Plaintiff alleged that his 2-year-old child suffered a fractured femur while inside defendant's store. The child's leg was broken due to heavy unsecured merchandise falling on his leg when he disturbed it. The jury found plaintiff/child's father 65 percent negligent for his lack of supervision of the child. Defendant entitled to recover fees based on offer of judgment.

Liquor merchant slip and fall: Plaintiff patron enters liquor store out of the rain. She walked across the entire wet parking lot into the store and slipped and fell as she went to make a turn down an aisle. Defendant stipulated to the absence of a wet floor sign – jury found 65 percent negligence on plaintiff; appeal by plaintiff unsuccessful.

Car dealership defense/auto accident: Defendant auto dealer's employee took a newly purchased vehicle across the street to get the tank filled for the new owner. On his way back from the gas station, the employee attempted to make a right turn on a one-way street. He did not see the plaintiff riding a bicycle on the sidewalk coming from the opposite direction of the traffic on the one-way street. 70% liability attributed to the bicycle riding plaintiff. Defendant entitled to recover fees based on offer of judgment.

Retail Merchant Assault and Battery, Invasion of Privacy, Defamation: Plaintiff alleged that her privacy was invaded by defendant's employee when the employee physically assaulted her and strewn her lingerie across the parking lot of its business. Plaintiff claimed that the employee used racial epithets against her in the course of the physical and very public assault. Defense verdict. Defendant entitled to fees and costs.