

JONATHAN E. KANOV

SHAREHOLDER



AREAS OF PRACTICE

Commercial Litigation
Miscellaneous Professional Liability
Real Estate E&O Liability
Architectural, Engineering and Construction
Defect Litigation
Intellectual Property, Technology and Media
Litigation
Insurance Agents & Brokers Liability
Lawyers' Professional Liability
Accountants' Professional Liability
Disciplinary Board Representation
Non-Profit D&O
School Leaders' Liability

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ADMISSIONS

Florida
1996

U.S. District Court Northern District
of Florida
1997

U.S. District Court Southern
District of Florida
1997

U.S. Court of Appeals 11th Circuit
1999

U.S. District Court Middle District
of Florida
2001

OVERVIEW

Jonathan concentrates his practice of law in complex, high-exposure litigation and has litigated a wide array of professional liability and commercial cases in federal and state courts, as well as arbitration forums, throughout the country. He zealously defends professionals in tort and contract actions, including attorneys, accountants, architects, engineers, contractors, directors and officers, brokers, dealers and fiduciaries. He has extensive experience with real estate actions, defending numerous parties, including real estate agents, brokers, developers, appraisers, title and settlement agents, and lenders.

Jonathan devotes considerable time on behalf of his clients in complex commercial, contract, construction, fraud, professional negligence/malpractice, statutory violations, shareholder/member disputes, directors/officers, business tort, and whistleblower litigation, and he has tried many cases to verdict. He brings to the firm a unique combination of business and litigation skills developed during his career. This background is invaluable to his representation of various individuals, private and public companies, including Fortune 500 corporations, and non-profit entities in a broad range of matters. He is highly sought after by clients and insurance carriers for his ability to handle extremely complex and difficult matters.

Jonathan graduated from the University of Texas at Austin in 1992, where he received his Bachelor of Business Administration degree in finance. He obtained his *juris doctor* in 1996 from the University of Miami School of Law, graduating *cum laude*. Jonathan is admitted to the Bar of the state of Florida. He is also admitted to practice before the Eleventh Circuit Court of Appeals and the United States District Court for the Southern, Middle and Northern Districts of Florida.

EDUCATION

University of Miami School of Law
(J.D., cum laude, 1996)

University of Texas at Austin (B.A.,
1992)

HONORS & AWARDS

Who's Who In American Law - Top
Lawyers

ASSOCIATIONS & MEMBERSHIPS

American Bar Association

Association of Trial Lawyers of America

Miami-Dade County Bar Association

Professional Liability Underwriting Society

YEAR JOINED

2005

THOUGHT LEADERSHIP

Seismic Changes May Soon Be Coming to Florida Statutes for Comparative Negligence, Lodestar Fee, Statute of Limitations and One-Way Attorney's Fees Against Insurers

Fort Lauderdale
Lawyers' Professional Liability

April 1, 2023

With the support of Governor Ron DeSantis, Florida House Bill 837 was filed on February 15, 2023, which would bring comprehensive reforms to civil litigation in Florida.

On the Pulse...Our Real Estate E&O Liability Practice Group

Real Estate E&O Liability

December 1, 2022

Our Real Estate E&O Liability Practice Group has a long history of representing real estate professionals. Defense Digest, Vol.

How Insurance Agents Can Respond to Drastic Changes in Florida's Property Insurance Market From a Risk Perspective (and Why Real Estate Agents Shouldn't Have the Same Concern)

Fort Lauderdale
Insurance Agents & Brokers Liability
Real Estate E&O Liability

November 1, 2022

The state of Florida is in the midst of a property insurance crisis. The material in this law alert has been prepared for our readers by Marshall Dennehey.

Understanding the Impact of Coinsurance Clauses: Kendall South Medical Ctr., Inc. v. Consolidated Ins. Nation, Inc., 219 So.3d 185 (Fla. 3d DCA 2017)

Orlando
Fort Lauderdale
Insurance Agents & Brokers Liability
September 1, 2019

Edited by Timothy G.

Insurer with the right to settle or litigate claims against their insureds is held responsible for plaintiff's attorney's fees and costs pursuant to rejected proposal for settlement.

Miscellaneous Professional Liability
Insurance Services – Coverage and Bad Faith Litigation
July 19, 2016

Geico challenged the final judgment in an automobile insurance case holding it liable to pay the injured plaintiff's attorney's fees and costs. Case Law Alerts, 3rd Quarter, July 2016

CLASSES/SEMINARS TAUGHT

Anatomy of a Real Estate Transaction: How Actions of Participants Give Rise to Claims, Client Presentation, July, 2019

FDIC Actions Against Appraisers, 2012 - 2013

Trends in Florida Real Estate E&O Claims, 2010 – 2013

Subprime Lending Crisis and the Growing Litigation Claims Against Real Estate Professionals: Understanding How This Happened and Planning for Actionable Defense Strategies, 2008

Internet Research for Florida Legal Counsel and Staff, CLE Speaker Series, 2000-2008

Accounting Malpractice Pre- and Post Sarbanes-Oxley and When It Is Appropriate To Withdraw From A Public Audit, 2005-2006

PUBLISHED WORKS

Case Law Alerts, regular contributor, 2010-2018

"Developer Scores Big Victory in Federal Court in Miami Concerning Condo Deposit Recovery Cases," *Defense Digest*, Vol. 15, No. 2, June 2009

"Subprime Woes May Lead To More Regulations And Duties Placed On Mortgage Brokers," *Florida Professional Liability and Ethics Law Letter*, April 2008, Vol. 4, No. 4

MEDIA COMMENTARY

"Ghost of 2008 Crash Still Haunts Real Estate E&O," *Insurance Journal*, cover story, February 8, 2016

RESULTS

Court affirms dismissal of real estate agent and his broker.

Appellate Advocacy and Post-Trial Practice

Real Estate E&O Liability

December 2, 2021

Our attorneys succeeded in obtaining an affirmance by the Fourth District Court of Appeal. The Fourth District affirmed the dismissal, with prejudice, of our clients, a listing real estate agent and his broker, in an alleged negligence and fraud case. The court rejected the plaintiff's arguments that the trial court abused its discretion in dismissing their pleadings due to their attorney's conduct. The court detailed how the plaintiff's attorney dropped the ball in litigating the case in a separate opinion reversing the plaintiffs' attorney's contempt conviction.

Arbitration Defense Verdict for Prominent Florida Real Estate Developer

Architectural, Engineering and Construction Defect Litigation

February 10, 2021

Marshall Dennehey and its shareholder, Jonathan E. Kanov, Esq., were successful in a South Florida arbitration representing a prominent Florida real estate developer against construction damage claims brought by a neighboring property's condominium association. In a final, binding ruling, the arbitrator issued a complete defense verdict, plus an award of attorney's fees and costs to the developer.

Directed Verdict Obtained After Close of Plaintiffs' Case Against Property Management Company

Real Estate E&O Liability

Commercial Litigation

February 24, 2020

Prevailed at trial in Broward County in defense of a property management company of a tax-credit housing community in Lauderhill. The plaintiff, the corporate owner of the property, brought claims for negligence, breach of contract, breach of fiduciary duty, and statutory breaches in the management and operation of the property. The case was litigated over seven years, and the plaintiff had sought millions of dollars in damages. After a week of the plaintiff's testimony, and eviscerating cross-examinations, we were successful in obtaining a directed verdict.

Negligence, Fraud and Ponzi Scheme – Oh My!

Commercial Litigation

December 1, 2017

After seven years of litigation, we obtained a dismissal with prejudice in favor of our client, a prominent cardiologist, in a negligence and fraud case involving the operation of a Ponzi scheme. The 16 plaintiffs brought suit in 2010 against our client and 14 other defendants with respect to investments in shares of a start-up television network and production company focused on developing, managing, and operating internally owned and operated LPTV stations.

Title Agent and Law Firm Not Liable in Florida Real Estate Dispute

Miscellaneous Professional Liability

February 16, 2015

Successfully defended a title/closing agent and his law firm in a South Florida real estate transaction after a week-long jury trial. The plaintiffs were private hard money lenders who contended that the title agent failed to advise them and failed to list as an exception on the title policy that a conditional certificate of reoccupancy was obtained due to zoning violations, rather than a full certificate of reoccupancy pursuant to the City's ordinances.

SIGNIFICANT REPRESENTATIVE MATTERS

Successfully defended West Palm Beach lawyer and law firm in a malpractice claim stemming from a former client who was prevented from exercising option to purchase property worth in excess of \$2 million.

Won complete defense verdict and affirmative damages in high-profile federal court trial in Southern District of Florida in defense of auditors/accountants of public real estate company. Plaintiff had sought approximately \$7 million in damages for alleged botched audit and improper withdrawal from engagement.

Prevailed at trial in Broward County in defense of a property management company of a tax-credit housing community in Lauderhill. Plaintiff, the corporate owner of the property, brought claims for negligence, breach of contract, breach of fiduciary duty, and statutory breaches in the management and operation of the property. The case was litigated over seven years and Plaintiff sought millions of dollars in damages. After a week of Plaintiff's testimony, and eviscerating cross-examinations, we were successful in obtaining a directed verdict.

Won complete defense verdict in legal malpractice case in Broward County concerning defendant's representation of borrowers in a secured loan transaction.

Won a directed verdict at trial in \$650,000 litigation on behalf of a national engineering firm in a professional negligence action in Miami-Dade County.

Summary judgment secured in defense of claims against real estate broker and agent for breach of fiduciary duty and negligence in \$500,000 case in Broward County.

Successfully defended law firm and lawyer as plaintiffs walked away with no damages from a heavily litigated case concerning lawyer's representation of one of the parties to the sale of a nurse staffing business in Orange County, Florida.

Victorious after trial in Miami-Dade County in a will contest brought by three children of decedent with estate over \$10 million alleging undue influence, breach of fiduciary duty, and lack of capacity.

Successfully defended title agent against claims brought by title insurer. Tracked down and collected the ill-gotten gains from the beneficiary of an unrecorded mortgage so that client did not have to satisfy those losses.

Counsel for a leading provider of outpatient information systems in successful \$12 million federal litigation in Northern District of California regarding development of software application for radiology facilities.

Counsel for partner in South Florida real estate conglomerate in successful action to terminate partnership agreement and buy out other partners in development deal for Miami-Dade County multi-use project.

Victorious after trial against one of largest U.S. spirits distributors, alleging breach of distribution agreement, business torts and copyright infringement causes of action.