



Aleksas A. Barauskas

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Areas of Practice

Litigation | Banking/Financial Institutions | Distressed Debt

Aleksas A. Barauskas is a Partner in the Litigation practice at Smith, Gambrell & Russell, LLP.

For 14 years, Mr. Barauskas has represented business and individual clients in all phases of litigation in state and federal court. He takes a pragmatic approach toward every dispute to efficiently obtain the best available outcomes while managing risk. Mr. Barauskas focuses his practice on fraud, breach of contract, eviction, tortious interference, defamation, intellectual property, negligence, premises liability, and product liability.

In addition, he represents financial institutions and other commercial lenders in loan enforcement actions and all areas of commercial litigation, including out-of-court restructurings, receiverships, real and personal property foreclosures, asset sales under the Uniform Commercial Code, and judgment collection activity. Additionally, he counsels clients in enforcing their rights in intellectual property and other confidential proprietary information against internet infringers.

Mr. Barauskas received his B.A. in History & Legal Studies from Northwestern University, and his J.D. from the University of Florida Levin College of Law, where he graduated *cum laude*.

Representative Experience

- Represented a bank in the enforcement of a multimillion dollar (eight figure) loan in default secured by a fleet of tractor-trailers, real estate, and accounts receivable of a trucking company. Following aggressive litigation and collection actions, the borrower and guarantors agreed to a large financial settlement resulting in the client being paid all principal and substantial interest.

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- Represented the world's largest manufacturer and leading supplier of recreational vehicles to the U.S. market, as well as recreational vehicle dealers, in defending against claims arising under the Magnusson-Moss Warranty Improvement Act and Florida's Lemon Law relating to alleged vehicle defects and malfunctions. Obtained contested removal of the cases from Florida state court to federal court and enforcement of forum selection clauses requiring the transfer of cases to district courts encompassing counties where the manufacturer and dealer reside, as well as contested state court enforcement of forum selection clauses.
- Represented as lead counsel a limited partnership and current partner against a former partner and manager for breach of fiduciary duty, conversion, and money lent, and defended claims to rescind and expand the terms of a buy-out agreement, as part of three separate lawsuits and two consolidated appeals. After assuming lead counsel responsibilities, resolved all lawsuits within six months by obtaining a favorable settlement.
- Represented a court-appointed receiver sued for negligence, breach of duty not to interfere with property rights, and actual malice with intent to harm. Obtained summary judgment at the trial court; obtained affirmance on appeal; and obtained a per curiam affirmance at the Georgia Supreme Court. Plaintiff then reimbursed a substantial portion of the client's attorneys' fees and costs in resolution of the client's prevailing party fee claim.

Admissions

Florida

Georgia

Texas

U.S. Court of Appeals, Eleventh Circuit

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Georgia

Georgia Court of Appeals

U.S. District Court, Northern District of Georgia

Supreme Court of Georgia

U.S. District Court, Southern District of Georgia

Memberships

Certified Circuit Civil Mediator, Florida Supreme Court

Chester Bedell Inns of Court, Past Associate & Barrister Member

Federal Bar Association, Jacksonville Chapter, Member

Continued

Recognitions

The Best Lawyers in America 2021-2023, Listed in Florida for Commercial Litigation, Litigation - Banking and Finance

Super Lawyers Magazine 2019-2022, Listed in Florida as a "Rising Star" for Business Litigation

Benchmark Litigation 2021-2022, Listed in Florida as a "Future Star" and in the "40 & Under Hot List"

Publications

- *Business Litigation in Florida*, Co-Author, Chapter 1: "State Jurisdiction," Ninth Edition, 2017.
- *ACC North Florida Chapter Newsletter*, Co-Author, "Avoiding ECOA Claims & Defenses to Enforcement of Guaranties," Fourth Quarter 2014.