



Michael A. Kolcun

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Areas of Practice

Litigation / Trial Practice | Arbitration | Intellectual Property Litigation

Michael A. Kolcun is a Partner with Smith, Gambrell & Russell, LLP.

Mr. Kolcun's practice is focused in commercial and intellectual property disputes, including breach of contract, partnership/joint venture and shareholder claims, copyright and trademark infringement, and other business torts. He represents a range of clients from large corporations to start-ups, as well as investors and individuals. As an experienced litigator, Mr. Kolcun has prosecuted and defended numerous actions in state courts in Florida and New York, and in federal district, appellate, and bankruptcy courts and arbitration tribunals throughout the U.S.

Experience

- Obtained a favorable final award stemming from a fraudulent inducement claim in a multimillion-dollar, bet-the-company arbitration.
- Secured a permanent injunction in a trade secret misappropriation case in federal court for an aquaponics farming company.
- Achieved a favorable settlement after obtaining a temporary injunction, an order denying a motion to dismiss, and a contempt order in litigation over civil theft and conversion claims.
- Achieved a judgment vacating a \$20 million arbitration award in a dispute over a shareholder buyout.
- Recovered a \$14.5 million settlement for a renowned entertainer in a legal malpractice action.
- Obtained a \$6 million judgment for an international security firm in a fraud case in New Jersey federal court.

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- Secured a \$3 million judgment for an international investor in a breach of contract case in New York and Florida state and federal courts, as well as in arbitration proceedings.
- Recovered a \$1.25 million settlement for an international investor in a shareholder suit in Nevada federal court.
- Secured dismissal of several Copyright Act claims and an attorneys' fees award for a preeminent rock band in New York federal court.
- Prosecuted a 5,000-member class and collective action in New York federal court seeking pay equity under the Equal Pay Act and Title VII, which resulted in a favorable settlement.

Admissions

Florida

New York

Memberships

Tampa Bay American Inn of Court

Federal Bar Association

Hillsborough County Bar Association

Florida Bar, Business Law Section

Tampa Bay Chamber of Commerce, Leadership Tampa Class of 2023

Florida State University College of Law Alumni Association, Board of Directors

Recognitions

AV Peer Review Rated, Martindale-Hubbell

Best Lawyers, Ones to Watch

New York Metro Rising Star, Super Lawyers

Excellence in Nonprofit Board Governance Certificate, Nonprofit Leadership Center

Publications and Speaking Engagements

"SCOTUS Sides with the 11th Circuit by Allowing Copyright Damages Beyond 3 Years," Business Law Section of the Florida Bar, June 14, 2024.

"The 11th Circuit Limits Damages from FUFTA's "Catch-All" Provision," Business Law Section of the Florida Bar, May 25, 2023.

"The 11th Circuit Joins the Split by Refusing to Limit Copyright Damages," Business Law Section of the Florida Bar, March 15, 2023.

Continued

"Moving in the Time of COVID - Planning (and Luck!)," *Neurosurgery Podcast*, April 10, 2022.

"Don't Pull the Trigger on a Shotgun Pleading—Here's Why," Business Law Section of the Florida Bar, March 16, 2021.

"Careers in Business Law," University of South Florida – Pre-Law Track, 2021.

"Medicine & Law - Defending Your Intellectual Property," *Neurosurgery Podcast*, August 20, 2020.

"Enforcing Judgments against a Debtor's Spouse," *Law360*, November 1, 2017.

"Protecting and Enforcing Judgment Creditor Interests In IP," *Law360*, June 1, 2017.

"How Hedge Fund Managers Can Address Common Issues and Risks When Enforcing Judgments Against Debtors," *The Hedge Fund Law Report*, October 1, 2016.

"3 Steps to Successful Judgment Enforcement," *Law360*, September 1, 2016.

"Maximizing Your Chances for Oral Argument," *DRI - For the Defense*, August 1, 2016.

"Regulatory Update - Lender Liability," *Private Asset Management*, April 1, 2016.

"The Ethical Limits of Attorney Social Media Investigations," *Law360*, July 7, 2015.