GRAYROBINSON



Jonathan Gaines

Of Counsel

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Focus

- Appellate
- Intellectual Property and Technology
- Litigation

Jonathan focuses his practice on intellectual property and entertainment litigation, as well as general civil and business litigation at the trial and appellate levels. Jonathan has extensive appellate and trial experience in state and federal courts, including all district courts in Florida and the Florida Supreme Court, and the 11th Circuit Court of Appeals, covering a wide range of subjects, including copyright, trademark, trade dress, right of publicity, insurance coverage issues, environmental torts, seamen's claims, personal injury claims, estates and trusts, construction defects, mortgage foreclosures and receivership actions.

Jonathan was born in Newburgh, New York, and was raised in South Florida. Jonathan attended Vanderbilt University, where he graduated in 1978 with a degree in English. He then attended the University of Florida College of Law, attaining his juris doctor with honors in 1981. Jonathan has been a practicing attorney in South Florida since 1981. He served as a judicial law clerk to the Honorable Joseph Nesbitt at the 3rd District Court of Appeal.

Notable Work

- Extensive experience litigating music and entertainment industry intellectual property cases, with reported decisions including: *Roberts v. Gordy, 877 F. 3d 1024 (11th Cir. 2017); Jackson v. Odenat, 9 F. Supp. 3d 342 (S.D.N.Y. 2014); Kernel Records Oy v. Mosley, 794 F. Supp. 2d 1355 (S.D. Fla. 2011) aff'd 694 F.3d 1294 (11th Cir. 2012) cert. denied 133 S. Ct. 1810 (2013); Saregama India Ltd. v. Mosley, 687 F. Supp. 2d 1325 (S.D. Fla. 2009), affirmed, 635 F.3d 1284 (11th Cir. 2011); Lil' Joe Wein Music, Inc. v. Jackson, No. 06-20079, 2006 WL 5428227 (S.D. Fla. Oct. 27, 2006), affirmed, 245 Fed. Appx. 873 (11th Cir. 2007); Mattocks v. Black Entertainment Television LLC, 43 F. Supp. 3d 1311 (S.D. Fla. 2014); Disney Enterprises, Inc. v. Hotfile Corp., 2013 WL 6336286 (S.D. Fla. 2013); Foreign Imported Productions and Pub., Inc. v. Grupo Indus. Hotelero, S.A., Case No. 07-22066-CIV, S.D. Fla. 2009 WL 10669188 (S.D. Fla. 2009); Jackson v. Grupo Indus. Hotelero, S.A., 2009 WL 8634834 (S.D. Fla. 2009).*
- *Continental Casualty Co. v. Ryan Inc. Eastern*, 974 So. 2d 368 (Fla. 2008) (obtained Florida Supreme Court reversal of district court decision that had imposed statutory attorney's fees on a general liability insurer in favor of surety)

- *Dooley and Mack Constructors, Inc. v. Developers Sur. and Indem. Co.*, 972 So. 2d 893 (Fla. 3d DCA 2007) (reversal of trial court ruling that had barred the general contractor's recovery against construction surety based on purported improper notice)
- *State Farm Florida Ins. Co. v. Lorenzo*, 969 So. 2d 393 (Fla. 5th DCA 2007) (successful petition for certiorari, vacating trial court decision that had applied confession of judgment doctrine to the insurer's payment property damage claim)
- *LeFave v. Bordonaro*, 975 So. 2d 470 (Fla. 2d DCA 2007) (reversal of personal injury award and new trial ordered based on improper inflammatory comments of plaintiff's counsel during argument to jury)
- *State Farm Mut. Auto. Ins. Co. v. Revuelta*, 901 So. 2d 377 (Fla. 3d DCA 2005) (reversal and remand for a new trial based on cumulative prejudicial errors that denied the insurer a fair trial in a personal injury case)
- *Mirson v. Corradino Group, Inc.*, 751 So. 2d 699 (Fla. 3d DCA 2000) (reversal of trial court order that had stayed an arbitration proceeding)
- *Norwest Bank Owatonna, N.A. v. Millard*, 522 So. 2d 546 (Fla. 4th DCA 1988) (reversal in mortgage foreclosure action that resulted in obtaining a deficiency judgment in favor of the mortgagee)
- *Fisher v. Shenandoah Gen. Const. Co.*, 498 So. 2d 882 (Fla. 1986) (Florida Supreme Court ruling that alleged conduct of employer did not rise to the level of intentional wrongdoing necessary to amount to intentional tort outside the scope of worker compensation exclusivity)
- *Finlayson v. Broward County*, 471 So. 2d 67 (Fla. 4th DCA 1985) (reversal of trial court decision that had denied accumulated overtime pay to county-employed paramedics)
- *In re Estate of Pendrys*, 443 So. 2d 402 (Fla. 4th DCA 1984) (reversal of trial court decision that had determined that the homestead status of a property had been lost due to abandonment)

Insights

- "Application of the Oral Admissions Exception to the U.C.C. Statute of Frauds," 32 *University of Florida Law Review* 486, 1980

Media

- "Justices Take Up Copyright Damages Row," *Law360,* September 29, 2023

Affiliations

- The Florida Bar
  - Appellate Practice Section

Credentials

- J.D., University of Florida, 1981, With Honors
  - *University of Florida Law Review*, Board Member
- B.A., Vanderbilt University, 1978

Admissions

- Florida
- Federal Bar for the Southern and Middle Districts of Florida

- U.S. Court of Appeals for the 11th Circuit