GRAYROBINSON



Richard E. Mitchell

Of Counsel

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Focus

- Education
- Higher Education
- Litigation
- Insurance Defense
- Labor and Employment
- Intellectual Property and Technology
- Trade Secret, Noncompete and Unfair Competition
- Appellate

Rick Mitchell is a member of the litigation practice with broad experience in higher education, business, commercial leases, bid protests, trade secret/restrictive covenants, due process and first amendment, Title IX, employment, premises liability, personal injury, wrongful death, Public Records Act, and Sunshine Law matters. Rick also conducts internal investigations for companies and public entities, and regularly serves as local counsel in federal court cases for out-of-state firms and their clients.

Since 2015, Rick has served on the Board of Directors of *Give Kids the World*, a not-for-profit resort in Kissimmee, Florida, that provides week-long, cost-free wish vacations to critically ill children and their families from around the world who want to visit Central Florida.

Notable Work

- *BlueChip, LLC v. UCF Board of Trustees* – After a full administrative trial, successfully obtained order in favor of UCF rejecting petitioner's protest of $6.7 million public bid award for the installation of solar panel systems at public schools across Florida, and thereafter negotiated a favorable settlement under which petitioner agreed to reimburse a substantial portion of UCF's attorneys' fees and costs
- *McCarthy v. Town of Windermere, et al.* – After full hearing and oral argument, successfully obtained a pre-answer summary final judgment in favor of the town and one of its council members rejecting the plaintiff's contentions alleging numerous violations of Florida's Government-in-the-Sunshine Law, and thereafter successfully obtained a ruling granting the town's motion for attorneys' fees pursuant to Florida's frivolous claims statute
- *Big Toho Airboat Rides, Inc. v. City of Kissimmee* – After full hearing and oral argument, successfully defeated plaintiff's motion for preliminary injunction seeking to ban enforcement of the city's newly enacted ordinance prohibiting all commercial activities in public parks, and thereafter successfully defeated plaintiff's emergency motion for stay on appeal

- *Lugo v. UCF Board of Trustees* – Won motion to dismiss plaintiff's alleged claim for retaliatory discharge from her assistant professor position based on her opposition to an allegedly racially discriminatory textbook
- *Udowychenko v. LaserCraft, Inc.* – After full hearing and oral argument, successfully defeated plaintiff's motion to certify class action comprising of red-light runners caught by automated detection system
- *Morris v. FAMU Board of Trustees* – Successfully obtained appellate opinion rejecting plaintiff's writ of mandamus seeking to overturn his dismissal from FAMU's College of Law
- *Hallford v. Florida A&M University College of Law, et al.* – Won motion to dismiss plaintiff's complaint with prejudice after oral argument in case where second-year law student demanded readmission to the College of Law, after which plaintiff agreed to pay a substantial portion of FAMU's attorneys' fees and apologized for filing the lawsuit
- *C.J. Bellamy, et al. v. Exxon Mobil Corporation* – Won summary final judgment after oral argument in alleged "negligent security" case involving a shooting injury
- *University of Central Florida v. Pi Kappa Alpha National Fraternity* – After full trial on the merits, won final judgment upholding UCF's termination of the Pike Fraternity's interest in eighty-year land lease and fraternity house located on UCF's campus
- *Wilhelm v. Florida A&M University College of Law, et al.* – Won motion to dismiss plaintiff's complaint after oral argument in case where fourth-year law student requested the federal courts to award her a juris doctor degree by judicially overruling the important decisions of the College of Law and its Academic Standards Committee, dean and faculty members.
- *Faith Fairbrother, et al. v. Town of Windermere* – Plaintiffs sued the town of Windermere in an attempt to extinguish the public's rare and valuable easement and riparian rights over land running between plaintiffs' lakeview lots and the shorelines of lakes Down and Bessie, both of which are Outstanding Florida Waterways. After preparing and serving a motion for summary final judgment, successfully negotiated a settlement that forever preserves the full measure of the public's rights and required plaintiffs to reimburse the town for its attorneys' fees and costs.
- *Johnson v. Exxon Mobil Corporation* – Successful defense of federal court wrongful death case wherein plaintiff's personal representative contended that Exxon's "negligent security" resulted in the shooting death of the decedent. Prepared and filed a motion for judgment on the pleadings on the ground that Exxon owed no legal duty to the decedent as a matter of law. After the U.S. magistrate judge entered a report and recommendation ruling that our motion should be granted, successfully negotiated a favorable settlement of all claims.
- *Graney v. Mitsubishi Digital Electronics America, Inc.* – Successfully defeated plaintiff's motion to certify nationwide fraud class action after oral argument (M.D. Fla. 2006)
- *Loggerhead Sea Turtle v. Flagler County Board of County Commissioners* – Successfully defeated plaintiff's motion for emergency preliminary injunction under the Endangered Species Act after full evidentiary hearing. Decision reported at 359 F.Supp.2d 1209 (M.D. Fla. 2004)
- *Burgos v. University of Central Florida* – Successful defense of civil rights case in which the plaintiff demanded admission to UCF in a case of first impression under Florida Statutes guaranteeing community college graduates admission into one of Florida's public universities. Decision reported at 283 F.Supp.2d 1268 (M.D. Fla. 2004)

- *Dye v. Advantage Venture Partners, Ltd.* – Won motion to dismiss with prejudice after oral argument on plaintiff CFO's alleged claims against venture capital firm and its president for fraudulent inducement and breach of contract. Conducted oral argument before 5th District Court of Appeal and successfully obtained order affirming trial court's dismissal with prejudice of four of plaintiff's six claims. Thereafter, won defense summary final judgment on remaining claims after oral argument without having served an answer and in the face of opposing affidavits. Affirmed on appeal at 869 So.2d 630 (Fla. 5th DCA 2004)
- *Citifactors Financial Group, Inc. v. University of Central Florida* – Won defense summary final judgment after oral argument on plaintiff's alleged claims for fraud, promissory estoppel, account stated and open account
- *Cataldo v. The Optimal Open MRI, Inc.* – Won motion to dismiss with prejudice after oral argument in 8,000-member putative class-action case accusing MRI center of overcharging insured patients in violation of Florida Statutes
- *Jones v. Stanley* – Won defense summary final judgment after oral argument in legal malpractice case without having served an answer and in the face of opposing affidavits
- *Simons v. Barnette* – Trial team won total defense verdict after three-day federal court bench trial in case filed by two 401(k) plan participants against the plan trustee for alleged breach of fiduciary duty and fraud. Decision reported at 2003 WL 23336343 (M.D. Fla. 2003)
- *Harrold v. Moeller* – After five-day jury trial, trial team successfully defeated plaintiff's alleged claim for breach of securities contract and obtained favorable jury verdict on client's counterclaim for fraud together with costs and attorneys' fees. Decision affirmed on appeal at 883 So.2d 814 (Fla. 5th DCA 2004)
- *Electro World, Inc. v. RF Micro Devices, Inc.* – Won defense summary final judgment after oral argument on plaintiff's alleged claims for breach of contract and unjust enrichment

Recognition

- *Martindale-Hubbell,* AV® Preeminent Rated
- *Florida Trend*, Legal Elite, 2010-2013, 2016, 2019
    - "Up & Comer," 2007

Insights

- "Civil Litigation Unveiled," The Community College Conference on Legal Issues, Valencia College, January 14, 2020

Media

- "Greg Biffle, NASCAR driver who drove FAMU-themed car, dies in plane crash," *Tallahassee Democrat*, December 19, 2025
- "People on the Move," *Orlando Sentinel*, November 3, 2022
- "November 1, 2022 On the Move," *The Florida Bar,* October 31, 2022

Affiliations

- Florida Bar
- Orange County Bar Association
- Federal Bar Association

- Give Kids the World, Board of Directors, 2015–present
- Judicial Nominating Commission, Fifth District Court of Appeal, 2013-2016
- National Association of College and University Attorneys
- Junior Achievement, Classroom Instructor
- Habitat for Humanity, Volunteer
- Windermere's Police Chief Selection Committee, Co-Chair, 2012

Credentials

- J.D., University of Florida College of Law, 1998
- Georgia Institute of Technology, Logistics Institute, 1993
- B.S., University of Florida College of Engineering, 1992

Admissions

- Florida
- U.S. District Court for the Middle and Northern Districts of Florida
- U.S. Court of Appeals for the 11th and Federal Circuits
- U.S. Court of Federal Claims
- U.S. Supreme Court