GRAYROBINSON



T. Todd Pittenger, B.C.S.

Shareholder

todd.pittenger@gray-robinson.com
407.204.3103

Focus

- Litigation
- Class Action Defense Law
- Intellectual Property and Technology
- Securities Litigation, Arbitration and Regulatory Practice
- Trade Secret, Noncompete and Unfair Competition

Client-centered trial and appellate lawyer serving leading businesses across Florida. Board-certified by The Florida Bar in Business Litigation since 2005.

For over thirty-five years, Todd Pittenger has represented clients on both sides of the "v" in complex business litigation. A leading lawyer in Florida known for his sophisticated, bet-the-company bench and jury trial experience, Todd serves as lead counsel in state and federal civil litigation across a range of industry sectors throughout Florida, including manufacturing, real estate, healthcare, higher education, and travel and leisure, among others. Clients include national and international corporations, limited liability companies, homebuilders, manufacturers, cruise lines, public universities, and individuals.

With decades of first chair courtroom experience at the trial and appellate levels, Todd helps clients navigate matters involving real estate and contract litigation, securities and corporate governance disputes, class action defense, intellectual property, and probate and trust litigation. He has extensive experience handling complex, multiparty actions requiring detailed case management and cost controls. Todd's client service mission underpins his diverse portfolio of positive outcomes. Clients repeatedly turn to him for creative solutions and swift action in handling potentially disruptive and protracted litigation.

Board-certified by The Florida Bar in Business Litigation since 2005, Todd is consistently ranked as a top practitioner in Florida by leading industry publications. Prior to joining the firm, he served clients at several of the state's most notable firms. He frequently teams with GrayRobinson colleagues in the real estate, corporate, intellectual property and technology, probate and trust, securities litigation, arbitration, and regulatory practices to deliver best-in-class client experiences.

Notable Work

- *Sara Goldstein and all persons similarly situated v. The University of Central Florida Board of Trustees*, Sixth DCA 6D23-1203, 2023 WL 5492043 (Fla. 6th DCA 08/25/23).
- *Shaunna Wilson and all persons similarly situated v. The University of Central Florida Board of Trustees*, Sixth DCA 6D23-1259, 2023 WL 5491876 (Fla. 6th DCA 08/25/23).

- Won a favorable judgment after a seven-day bench trial in consolidated probate and trust/partnership litigation, securing ownership and control of 700 acres of valuable ranch land for brothers who are beneficiaries and limited partners in a significant estate. The court also removed the opposing party from roles as general partner, trustee, and personal representative, appointing the client instead. The ruling included entitlement to prevailing party attorney's fees and costs, with jurisdiction reserved for additional damages and attorney's fees and costs following a prior successful appeal. Judgment was also entered in favor of the client after a two-day damages trial, with the attorney's fee and cost judgment also awarded.
- Successfully represented a bleach manufacturing company in federal court by securing a preliminary injunction that required a NYSE-listed company to meet contractual supply obligations. After continuing that litigation through a discovery phase involving extensive documents and many fact and expert witness depositions, as well as both summary judgment and Daubert hearings, the federal jury trial became unnecessary due to a confidential settlement.
- Secured class action dismissals in construction defect and medical malpractice cases by demonstrating that pre-suit notice requirements applied on a class-wide basis. Both cases concluded without class action certification, and in one instance, a significant fee-shifting judgment was imposed on Class Counsel after the dismissal was upheld on appeal.
- Led the defense of an international public company in federal and state court fuel surcharge class action litigation in Florida, California, and several other states and secured nationwide settlement that cost-effectively eliminated class member claims.
- Led the defense of a chemical manufacturing company in a two-week federal patent infringement trial, resulting in only a nominal damages judgment for the plaintiff.
- Led the prosecution of a two-week jury trial for the inventors, which resulted in a favorable declaratory judgment adjudicating patent rights and a later settlement.
- Led the defense of a major public university by establishing sovereign immunity to dismiss several statewide COVID-19 student tuition and fee class action lawsuits, resulting in favorable judgments, which Todd successfully defended on appeal.
- Led the successful defense of a statewide company in the defense of a bet-the-company class action by winning a week-long reverse bifurcation merits bench trial on a declaratory judgment counterclaim, which eliminated all class claims, and then won favorable affirmances at both the Fourth DCA and Florida Supreme Court on appeal.
- Led the defense of a week-long class certification state court trial defeating class action status against a homebuilder in which the plaintiff had sought subdivision-wide rescission and $52 million under the Interstate Land Sales Full Disclosure Act.
- Led the defense of managing partners sued in class actions attacking a merger transaction and achieved dispositive dismissals of the claims of 42,000 limited partners based on lack of standing grounds, prevailing in both state and federal forums.
- Led the successful resolution of a significant third-party claim on behalf of a citrus packing company defendant, which involved herbicide damages to orange groves.
- Led the defense of an automaker in a Consumer Leasing Act nationwide class action that favorably resolved disclosure claims brought by 600,000 class members.

- Led the defense of a cruise line in defense of a class action that favorably resolved nationwide port charges claims brought by 2,000,000 class members.
- Led the successful defense of a developer in a permanent injunction case brought by an HOA that had sought to enjoin an adjacent multi-family project based on the Declaration of Restrictive Covenants, which was affirmed on appeal.
- Led a bench trial for a developer which stayed a $14 million subdivision-wide construction defect lawsuit for improperly obtaining the statutorily required authorization from a majority of lot owners and requiring the HOA to pay the developer's attorney's fees, resulting in a complete construction case resolution.
- Led the successful defense of a real estate company sued by several claimants by first winning a three-day bench trial on lack of standing grounds, which once affirmed on appeal, he then used to defeat a related company's $25 million tort claim on collateral estoppel grounds, a summary judgment also affirmed on appeal.
- Led the representation of control persons in many deadlocked disputes, achieving favorable resolutions without litigation in some, through successful litigation in others, including business judgment rule-based summary judgments.
- Reported decisions at the Florida Supreme Court and Florida District Courts of Appeal.

Recognition

- *Best Lawyers in America*, 2008-2027
  - Commercial Litigation
  - Litigation - Intellectual Property
    - Lawyer of the Year, 2025
  - Real Estate Law
- *Martindale-Hubbell,* AV® Preeminent Rated
- Florida *Super Lawyers*, 2006-2026
  - Business Litigation
  - Intellectual Property Litigation
  - Class Action and Mass Torts

Affiliations

- American Bar Foundation, Fellow
- Federal Bar Association, Orlando Chapter
  - Former Chapter President
- Federal Bar Association
  - Former Eleventh Circuit Vice President
- Federal Judicial Relations Committee, Middle District of Florida
  - Former Chair
- The Florida Bar
  - Trial Lawyers Section
  - Business Law Section
- The George C. Young First Central Florida American Inn of Court, Master Level
- Legal Aid Society of the Orange County Bar Association

    - Guardian Ad Litem Program, Volunteer
- Litigation Counsel of America, Senior Fellow
- Orange County Bar Association, Member and Pro Bono GAL Program
- Coalition for the Homeless of Central Florida
    - Real Estate Committee, 2019-2024
        - Chair, 2019-2020
    - Board of Directors, 2013-2022
        - Chair, 2018-2019
    - Governmental Relations Committee Chair, 2021-2022
    - CEO Search Committee, 2019-2020
    - Executive Committee, 2016-2020
- Episcopal Chancellors Network
    - Member
- The Episcopal Church of the United States of America
    - One of three Church Attorneys, Disciplinary Board
- Episcopal Diocese of Central Florida
    - Chancellor, 2024-present
    - Diocesan Executive Committee 2021-present
    - Diocesan Board of Directors, 2021-present
    - Disciplinary Board Church Attorney, 2020-2023
- St. Michael's Episcopal Church
    - Vestry Member, 2016-2019
        - Senior Warden 2018-2019

Credentials

- J.D., University of North Carolina School of Law, 1988
- B.A., Rollins College, 1985, *cum laude*
- Board-certified by The Florida Bar in Business Litigation

Admissions

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