

## ABOUT OUR FIRM



**P**eterson Bernard, a Florida-based litigation firm, provides a wide range of legal services to insurers, third party administrators, businesses, governments and individuals.

Our concentration is in risk management, alternative dispute resolution and litigation management. Our attorneys and support staff are a diverse group of experienced individuals who take pride in their knowledge, professionalism and high ethical standards. The firm has a successful record in the courtroom and our attorneys are leaders in the community.

Since 1981, our goal has been to serve the needs of our clients. Through the use of innovative technology and creative thinking, we provide smart solutions that are time and cost effective. This has produced great success both in and out of the courtroom. A prime example of this is the landmark Florida Supreme Court decision in *Easterday v. Masiello*, which has protected and is of significant importance to all design professionals throughout Florida, with respect to alleged design defects that are “open and obvious.”

The firm has consistently maintained an “AV” rating by Martindale-Hubbell.

Peterson Bernard is proud of its creative, efficient, reliable team, attuned to the needs of those we serve. Whether your needs are in general liability, malpractice, construction litigation, first party disputes, commercial litigation or environmental, we are ready to assist you.

# Peterson Bernard

A T T O R N E Y S   A T   L A W

Established 1981



Fort Lauderdale, Florida  
Phone: 954.763.3200  
[randy.avalon@petersonbernard.com](mailto:randy.avalon@petersonbernard.com)

## RANDY B. AVALON

Randy B. Avalon is an associate in the firm's Fort Lauderdale office. Randy's primary areas of practice include insurance defense, with an emphasis in first party and property damage claims.

Randy received his Bachelor of Science degree in Criminal Justice with a certificate in Criminal Profiling from the University of Central Florida, and his Juris Doctorate from Nova Southeastern University's Shepard Broad College of Law. While in law school, Randy earned Dean's List honors and was a Faculty Law Scholarship recipient. Randy also served as the Vice President of NSU Law's chapter of Phi Alpha Delta Law Fraternity, International.

Prior to joining Peterson Bernard, Randy worked as an associate attorney at a Fort Lauderdale law firm where his primary areas of practice were personal injury and medical malpractice claims.

### State/Court Admissions

- Florida Bar, 2017

### Education/Background

- Bachelor of Science, University of Central Florida, 2013
- Juris Doctorate, Nova Southeastern University Shepard Broad College of Law, 2016

### Affiliations/Memberships

- Florida Bar
- Broward County Bar Association; Young Lawyers Division
- American Bar Association; Young Lawyers Division
- Federal Bar Association; Broward County Chapter & Young Lawyers Division

# Peterson Bernard

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Established 1981



Stuart, Florida  
772.286.9881

heather.bridwell@petersonbernard.com

## HEATHER BRIDWELL

Heather Wallace-Bridwell is a shareholder in the firm's Stuart Office, and has practiced in the field of insurance defense since 2000. She has been awarded the prestigious AV® Preeminent™ rating by Martindale-Hubbell. Ms. Wallace-Bridwell focuses her practice on insurance defense, automobile liability, wrongful death, premises liability, professional liability, construction defects, general liability, and appellate work. She has handled cases throughout South Florida and has successfully defended cases through jury verdict.

Ms. Wallace-Bridwell is active in the legal community, is a past president of the Martin County Chapter of Florida Association for Women Lawyers (FAWL), and currently remains an active member of the board of directors for Martin County FAWL. She is a member of the Justice Major B. Harding American Inns of Court, the Martin County Bar Association, and the Palm Beach County Bar Association. She serves on the Law Week Committee for the Palm Beach County Bar Association. She has volunteered her time to serve as a judge at the annual FLRE Florida High School Mock Trial State Finals Competition. As part of Law Week, she has spoken with students in Palm Beach County concerning trial practice.

### State/Court Admissions

- Florida Bar, 2000
- U.S. District Court, Southern District of Florida
- U.S. District Court, Middle District of Florida
- U.S. District Court of Appeals, 11th Circuit

### Education/Background

- B.S., Communications, Florida State University, December 1996
- J.D., Florida State University College of Law, December 1999

### Affiliations/Memberships

- The Florida Bar - Admitted April of 2000
- Martin County Bar Association
- Palm Beach County Bar Association
- Immediate Past President of Martin County Chapter of Florida Association for Women Lawyers
- Board Member/Chapter Representative- Martin County Chapter of Florida Association for Women Lawyers
- Member of Law Week Committee for Palm Beach County Bar Association
- Justice Major B. Harding American Inns of Court

### Reported Opinions

*Dollar Sys. v. Elvia*, 967 So. 2d 447 (Fla. 4th DCA 2007); *Fla. Dep't of Env'tl. Prot. v. Green*, 32 Fla. L. Weekly D 512, (Fla. 4th DCA 2/21/07), rehearing denied; *Lytal, Reiter, Smith, Ivey & Fronrath, L.L.P. v. Malay*, 133 So. 3d 1178 (Fla. 4th DCA 2014).

# Peterson Bernard

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West Palm Beach, FL  
Phone: 561.686.5005  
micheal.edwards@petersonbernard.com

## MICHEAL A. EDWARDS

Micheal A. Edwards is joining the firm's West Palm Beach office, having represented employers and carriers throughout the state of Florida in his Workers' Compensation defense practice for the past 34 years. Mr. Edwards has extensive trial and appellate experience including oral argument in the First and Fourth District Courts of Appeal. He will also be representing clients in first party coverage and liability/personal injury defense, and is available to serve clients in the Stuart office as well. Mr. Edwards is a Board Certified Workers' Compensation attorney, having attained this designation when it was first offered by the Florida Bar in 1988. He is also a Supreme Court Certified Mediator, and has been awarded the prestigious AV® Preeminent™ rating by Martindale-Hubbell.

### State/Court Admissions

- Florida Bar, 1977
- Florida Supreme Court Certified Mediator, 2005
- U.S. District Court, Middle District of Florida, 2010

### Education/Background

- Juris Doctorate, Florida State University College of Law, 1977
- Bachelor of Science, Magna Cum Laude, Florida State University, College of Business, 1974
- Judicial Research Aide for Industrial Relations Commission (Workers' Compensation Appeals), 1975 - 1977

### Affiliations/Memberships

- The Florida Bar
- Board Certified in Workers' Compensation, 1988
- Supreme Court Mediation Certification, 2005
- Member of the Workers' Compensation, Appellate Practice, and Labor and Employment Law Sections of The Florida Bar
- Palm Beach County Bar Association
- AV® Preeminent™ rated by Martindale-Hubbell

### Reported Cases

Lentini v. City of West Palm Beach – 980 So. 2d 1232 (Fla. 1st DCA 2008)

# Peterson Bernard

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Established 1981



West Palm Beach, FL  
Phone: 561.686.5005  
[matthew.fiorello@petersonbernard.com](mailto:matthew.fiorello@petersonbernard.com)

## MATTHEW A. FIORELLO

Matthew Fiorello is a shareholder in the firm's West Palm Beach office. Mr. Fiorello is a native Floridian who was born and raised in South Florida. Mr. Fiorello has dedicated his practice to the defense of individuals and businesses. His primary practice areas include Contractor/Road Liability, Motor Vehicle Liability, Premises Liability, Construction Defect, and Criminal Defense.

Mr. Fiorello graduated from Nova Southeastern Law School in 2008. Before law school, he graduated from Clemson University where he was involved in human factors research which led to a published article in the Journal of Human Factors.

Prior to joining the firm, Mr. Fiorello spent three years as an Assistant Public Defender in the 17th Circuit (Broward County) where he handled all crimes ranging from Misdemeanor cases to First Degree Felony cases.

### State/Court Admissions

- Florida Bar, 2008
- U.S. District Court, Southern District of Florida, 2011

### Education/Background

- B.S. Psychology, Biology, Clemson University, 2005
- J.D., Nova Southeastern University, 2008

### Affiliations/Memberships

- The Florida Bar
- Palm Beach County Bar Association
- Judicial Relations Committee
- Circuit Civil Practice Committee

# Peterson Bernard

A T T O R N E Y S   A T   L A W

Established 1981



West Palm Beach, FL  
Phone: 561.686.5005  
meryl.hendrix@petersonbernard.com

## MERYL HOFFMAN HENDRIX

Meryl Hoffman Hendrix is an associate in the firm's West Palm Beach office. Meryl's primary areas of practice include insurance defense with an emphasis in Contractor/Road Liability, Motor Vehicle Liability, Premises Liability, and Construction Defect.

Meryl received her Bachelor's degree in the area of Criminal Justice from Florida Atlantic University and her Juris Doctor degree from Nova Southeastern University's Shepard Broad Law Center. Prior to joining the firm in 2015, Meryl spent a year and a half as an Assistant State Attorney in the 17th Judicial Circuit of Broward County where she prosecuted first and second degree misdemeanor cases. Meryl has also practiced law in the area of real estate transactions, title transactions, and foreclosure defense.

### State/Court Admissions

- Florida Bar, 2012

### Education / Background:

- B.A., Florida Atlantic University, 2009
- J.D., Nova Shepard Broad Law Center, 2012

### Affiliations / Memberships:

- The Florida Bar



# Peterson Bernard

A T T O R N E Y S   A T   L A W

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Fort Lauderdale, Florida  
954.763.3200  
[glenn.malin@petersonbernard.com](mailto:glenn.malin@petersonbernard.com)

## GLENN H. MALIN

Glenn Malin is a shareholder in the firm's Fort Lauderdale office. Glenn represents local and national insurance companies in matters including property damage, first and third party coverage issues, and premises liability. Glenn handles pre-suit investigation of first party claims including examinations under oath and coverage opinions, and routinely assists in the investigation of questionable claims involving arson, windstorm/catastrophic losses, and theft. Glenn has investigated and litigated cases and claims throughout the state, from the Florida Panhandle to the Keys.

Glenn has tried numerous cases and argued appeals in the Second, Third and Fourth District Courts of appeal.

### State/Court Admissions

- Florida State Bar, 1993
- United States District Court for the Southern District of Florida, 1995

### Education/Background

- B.A., Criminology, University of Florida, 1989
- J.D., University of Florida College of Law, 1992
- Served internships with Judge Mark Polen and Chief Judge Hugh Glickstein at the Fourth District Court of Appeal, West Palm Beach
- Featured Speaker, 2008 ACE Conference, "Legal Strategies For Fighting Fraud"

### Affiliations/Memberships

- Florida Bar
- Trial Bar of the United States District Court for the Southern District of Florida

### Reported Cases

Drew v. Mobile USA Ins. Co., 920 So. 2d 832 (Fla. App. 4th Dist. 2006).

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A T T O R N E Y S   A T   L A W

Established 1981



Fort Lauderdale, Florida  
954.763.3200  
bill.martin@petersonbernard.com

## WILLIAM M. MARTIN

**B**ill Martin has been a member of Peterson Bernard since 1987, and is the managing shareholder of the firm's Fort Lauderdale office. Mr. Martin practices in the areas of insurance defense, products liability, general and premises liability, commercial litigation, motor vehicle liability, personal injury, construction, and legal malpractice. Mr. Martin has earned the prestigious "AV Preeminent" rating by Martindale-Hubbell.

### State/Court Admissions

- New York Bar, 1979
- Florida Bar, 1980
- District of Columbia Bar, 1980
- U.S. District Court, Western District of New York, 1980
- U.S. District Court, Southern District of New York, 1981
- U.S. District Court, Eastern District of New York, 1981
- U.S. District Court, Southern District of Florida, 1988
- U.S. Court of Appeals, Eleventh Circuit, 1988
- U.S. Supreme Court, 1992

### Education/Background

- B.A., Magna Cum Laude, Psychology, State University of New York at Buffalo, 1975
- J.D., State University of New York at Buffalo School of Law, 1978

### Affiliations/Memberships

- The Florida Bar
- Broward County Bar Association
- The District of Columbia Bar

### Reported Cases

Ryan Inc. Eastern v. Continental Cas. Co., 910 So. 2d 298 (Fla. App. 2nd Dist. 2005); Latite Roofing and Sheet Metal Co., Inc. v. Barker, 886 So. 2d 1064 (Fla. App. 4th Dist. 2004); Clark v. United Services Auto. Ass'n, 818 So. 2d 501 (Fla. L. Weekly S491 2002); Florida Power & Light Co. v. Allis Chambers Corp., 85 F.3d 1514 (11th Cir. 1996); Florida Power & Light v. Allis Chambers Corp., 752 F. Supp. 434 (S.D. Fla. 1990); U.S. v. Pepper's Steel and Alloys, Inc., 823 F. Supp. 1574 (S.D. Fla. 1993); U.S. v. Pepper's Steel and Alloys, Inc., 742 F. Supp. 641 (S.D. Fla. 1990).



# Peterson Bernard

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Established 1981



Stuart, Florida  
Phone: 772.286.9881  
[bryan.mclaughlin@petersonbernard.com](mailto:bryan.mclaughlin@petersonbernard.com)

## **BRYAN D. MCLAUGHLIN**

**B**ryan McLaughlin is a litigation associate in the firm's Stuart office. He practices insurance defense including first party property claims, automobile liability, premises liability, and general liability.

Prior to joining Peterson Bernard, Bryan practiced commercial litigation with Page, Mrachek, Fitzgerald & Rose, P.A. and Sheila Biehl, P.A. handling a broad range of areas including contract litigation, property litigation, construction litigation, landlord/tenant litigation, and probate litigation. Bryan graduated magna cum laude from the Florida State University School of Law and while in law school he clerked for the Florida Department of Corrections and the Agency for Workforce Innovation. Bryan is a lifelong resident of Martin County, Florida and an active foster parent.

### **State/Court Admissions**

- Florida Bar, 2008
- U.S. District Court, Southern District of Florida, 2009

### **Education / Background:**

- B.S., Business Administration, Clearwater Christian College, 2005
- J.D., Florida State University College of Law, magna cum laude, 2008

### **Affiliations/Memberships**

- The Florida Bar
- Martin County Bar Association
- Justice Major B. Harding American Inn of Court



West Palm Beach, Florida  
Phone: 561.686.5005 Ext. 1242  
thomas.miller@petersonbernard.com

## THOMAS B. MILLER

Thomas Miller is a shareholder in the firm's West Palm Beach office. His primary practice is construction disputes, business torts, insurance disputes and other contractual cases.

Before joining this firm Mr. Miller was a shareholder in the firm of Paxton Smith from 1998-2017. He was previously associated with Paxton & Smith from 1992 to 1997. During 1997 and 1998, Mr. Miller was associated with David S. Maxey, P.C., and Spain & Gillion, LLP of Birmingham, Alabama. Mr. Miller was associated with the Birmingham, Alabama firm of Tingle, Sexton, Murvin, Watson & Bates P.C. from 1988-1991 and then opened his own practice in Birmingham in 1991.

### State/Court Admissions

- Alabama Bar
- Florida Bar
- United States Court of Appeals for the Eleventh Circuit
- All United States District Courts in the States of Alabama and Florida
- Palm Beach County Bar

### Education/Background

- Cumberland School of Law, Juris Doctor, magna cum laude, 1988
- Auburn University, Bachelor of Arts 1984
- University of Alabama-Birmingham

### Affiliations/Memberships

- Palm Beach County Bar Association

# Peterson Bernard

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Established 1981



Stuart, Florida  
772.286.9881

[edwin.mortell@petersonbernard.com](mailto:edwin.mortell@petersonbernard.com)

## EDWIN “TED” MORTELL, III

Ted Mortell is the managing shareholder of Peterson Bernard’s Stuart office. Mr. Mortell’s primary practice areas include medical malpractice claims, wrongful death claims, multiple claimant short limit cases, architect and engineer liability, real estate broker and agent malpractice, motor vehicle liability and toxic tort claims. Mr. Mortell also handles directors’/officers’ liability and employment law matters. Mr. Mortell is the past President of the Martin County Bar Association and is an active participant in many issues of concern to the local civic and business areas. His involvement as a member of the Board of Directors for the Pine School has provided direction and leadership to this institution enabling them to continue delivering quality educational experiences to its students.

### State/Court Admissions

- Florida Bar, 1989
- U.S. District Court, Southern District of Florida, 1990
- U.S. District Court, Middle District of Florida, 1999

### Education/Background

- B.A. in Economics, Southern Methodist University, 1986
- J.D., Nova Southeastern University, 1989

### Affiliations/Memberships

- The Florida Bar
- American Bar Association
- Martin County Bar Association
- President, Martin County Bar Association, 2004-2005
- Palm Beach County Bar Association
- Florida Defense Lawyers Association

# Peterson Bernard

A T T O R N E Y S   A T   L A W

Established 1981



West Palm Beach, Florida  
561.686.5005

[eric.peterson@petersonbernard.com](mailto:eric.peterson@petersonbernard.com)

## ERIC A. PETERSON

Since founding Peterson Bernard in 1981, Eric Peterson has continued to devote his full-time effort to the practice of insurance defense law. As managing shareholder of the firm's West Palm Beach office, Mr. Peterson's primary areas of practice include claims involving contractor/road liability, architect and engineer liability and premises liability with emphasis on liquor liability, negligent security and false arrest. Mr. Peterson's practice also includes medical/dental/real estate broker and agent malpractice defense, as well as employment law. Mr. Peterson has handled, as sub-issues to the above, many cases dealing with tractor-trailer accidents, sexual harassment, sexual abuse, as well as libel/slander.

Mr. Peterson and several of his cases have been featured on a number of national television news magazines inclusive of *20-20*, *Inside Edition*, and *Direct Television*. Mr. Peterson has maintained an "AV" Martindale-Hubbell rating since 1982.

### State/Court Admissions

- New York Bar
- Florida Bar
- U.S. District Court, Western District of New York
- U.S. District Court, Southern District of Florida

### Education/Background

- B.B.A., Ohio University
- J.D., State University of New York at Buffalo
- Assistant to Majority Leader Earl W. Brydges, New York Senate
- Clerk in the New York Senate

### Affiliations/Memberships

- The Florida Bar
- Palm Beach County Bar Association
- Broward County Bar Association
- New York State Bar Association
- American Bar Association
- Florida Defense Lawyers Association
- International Association of Defense Counsel
- Board of Directors Ronald McDonald House
- Recommended provider of legal services for Independent Hardware Retail Store Owners Association
- Professional Member, National Fire Sprinkler Association

### Reported Cases

Vazir v. Mobil Oil Co., 713 So. 2d 1120 (Fla. App. 4th Dist. 1998); Press v. Jordan, 670 So. 2d 1016 (Fla. App. 3rd Dist. 1996); Bradford v. Lewis, 596 So. 2d 1139 (Fla. App. 4th Dist. 1992); Flanagan v. Wagner, Nugent, Johnson, Roth, Romano, Eriksen & Kupfer, P.A., 594 So. 2d 776 (Fla. App. 4th Dist. 1992); Allstate Ins. Co. v. Executive Car and Truck Leasing, Inc., 494 So. 2d 487 (Fla. App. 4th Dist. 1985); Executive Car & Truck Leasing v. DeSerio, 470 So. 2d 21 (Fla. App. 1985); Douglas v. Winkley Co., 363 So. 2d 849 (Fla. App. 4th Dist. 1978); Czora v. Aherns, 344 N.Y.S. 2d 621 (1973).

# Peterson Bernard

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Established 1981



Fort Lauderdale, Florida  
954.763.3200  
heather.rogers@petersonbernard.com

## HEATHER S. ROGERS

Heather S. Rogers is a shareholder in the firm's Fort Lauderdale Office. With a practice dedicated almost exclusively to insurance defense, Heather's clients include both local and national insurance companies and their policy holders. Heather's practice includes first party coverage issues, general coverage issues, pre-suit examination under oath investigation and litigation of first party claims and general liability.

For well over a decade, Heather has successfully assisted insurance companies in the investigation of questionable claims. Before rejoining Peterson Bernard in 2002, Heather practiced with the Fort Lauderdale office of a law firm in excess of 1300 lawyers with offices in the United States and abroad. Heather has appeared as a featured lecturer on Legal Strategies for Fighting Fraud at the national America's Claims Event in Orlando, Florida and has accepted invitations to guest lecture for insurance adjusters on deposition strategies.

### State/Court Admissions

- Florida Bar, 1996
- U.S. District Court, Southern District of Florida, 1998

### Education/Background

- B.A. Cornell University, 1993
- J.D. *Magna Cum Laude*, Nova Southeastern University of Law, 1996

### Affiliations/Memberships

- Florida Advisory Committee on Arson Prevention
- The Florida Bar
- Staff Member of the *Nova Law Review* 1994-1995
- Articles Editor of the *Nova Law Review* 1995-1996

### Published Cases:

- *Ufer v. State Auto Insurance Companies*, 961 So. 2d 1007 (Fla. 4th DCA 2007)

# Peterson Bernard

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## STEPHANIE SHOWE

Stephanie Showe is an associate in the firm's Stuart office, and has practiced insurance defense in State and Federal Court since 2011. Stephanie's primary areas of practice include insurance defense, with an emphasis on wrongful death, premises liability, professional liability, and first party property. Stephanie also has experience in Director and Officer Liability, Approval of Settlement for Minors, and Appellate practice.

Stuart, Florida

Phone: 772.286.9881 Ext. 1086

[stephanie.showe@petersonbernard.com](mailto:stephanie.showe@petersonbernard.com)

### State/Court Admissions

- Florida Bar, 2010
- U.S. District Court, Southern District of Florida
- U.S. District Court of Appeals, 11th Circuit

### Education / Background:

- B.S., Business Administration, College of Charleston, 2006
- J.D., Florida Coastal School of Law, 2010

### Affiliations / Memberships:

- The Florida Bar
- Martin County Bar Association



# Peterson Bernard

A T T O R N E Y S   A T   L A W

Established 1981



Fort Lauderdale, Florida  
Phone: 954.763.3200

[pamela.silverman@petersonbernard.com](mailto:pamela.silverman@petersonbernard.com)

## **PAMELA B. SILVERMAN**

**P**amela B. Silverman is an associate in the firm's Fort Lauderdale office. Pamela's primary areas of practice include insurance defense with an emphasis in first party claims and property damage claims.

Pamela received her Bachelor of Arts degree in Political Science from Stetson University, and her Juris Doctor degree from Nova Southeastern University's Shepard Broad Law Center. While in law school, Pamela served as the Vice President of the Environmental Law Society and participated in Nova's Environmental/Land Use Clinic where she gained hands-on experience.

Pamela has worked in insurance defense for the past two years practicing first party and general liability. Pamela also has experience with consumer bankruptcy, contract disputes, personal injury, civil litigation, Social Security Disability law, and family law.

### **State/Court Admissions**

- Florida Bar, 2012

### **Education/Background**

- B.A., Stetson University, 2007
- J.D., Nova Southeastern University Shepard Broad Law Center, 2011

# Peterson Bernard

A T T O R N E Y S   A T   L A W

Established 1981



Stuart, Florida  
Phone: 772.286.9881 Ext. 1872  
lauren.smith@petersonbernard.com

## LAUREN SMITH

Lauren Smith is an associate in the firm's Stuart office. Lauren practiced in the field of insurance defense since receiving her J.D. from the University of Miami in 2010. She currently focuses her practice on first party property, personal injury, and general liability claims. In addition to her prior litigation experience, Lauren brings five years of appellate experience to the firm, primarily in the area of first party property.

### State/Court Admissions

- Florida Bar, 2010
- U.S. District Court, Southern District of Florida
- U.S. District Court of Appeals, 11th Circuit

### State/Court Admissions:

- Florida Bar, 2010
- United States District Court, Southern District of Florida
- United States Court of Appeals, Eleventh Circuit

### Education / Background:

- B.S., SUNY Plattsburgh, *magna cum laude*, 2005
- J.D., University of Miami, *cum laude*, 2010

### Reported Decisions:

*Allen v. Celebrity Cruises, Inc.*, 93 So. 3d 1036 (Fla. 3d DCA 2011); *Ferguson v. Beem*, 141 So. 3d 569 (Fla. 3d DCA 2013); *Bell v. Shamsey*, 141 So. 3d 563 (Fla. 2d DCA 2013); *Bosanac v. State Farm Florida Ins. Co.*, 152 So. 3d 587 (Fla. 4th DCA 2014); *Citizens Prop. Ins. Corp. v. Diamontopulos*, 148 So. 3d 547 (Fla. 2d DCA 2014); *Citizens Prop. Ins. Corp. v. Jerez*, 174 So. 3d 1001 (Fla. 2d DCA 2015); *Citizens Prop. Ins. Corp. v. Bascuas*, 178 So. 3d 902 (Fla. 3d DCA 2015); *Citizens Prop. Ins. Corp. v. Pulloquina*, 183 So. 3d 1134 (Fla. 3d DCA 2015); *Citizens Prop. Ins. Corp. v. Stieben*, 41 Fla. L. Weekly D1997 (Fla. 2d DCA Aug. 31, 2016); *Citizens Prop. Ins. Corp. v. Simoneau*, 197 So.3d 70 (Fla. 2d DCA Apr. 13, 2016); *Montes De Oca v. Citizens Prop. Ins. Corp.*, 194 So. 3d 1034 (Fla. 3d DCA 2016); *Citizens Prop. Ins. Corp. v. Salkey*, 190 So. 3d 1092 (Fla. 2d DCA 2016); *Soto v. Tower Hill Prime Ins. Co.*, 4D15-4436 (Fla. 4th DCA 2016).

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Fort Lauderdale, Florida  
Phone: 954.763.3200  
robert.tacher@petersonbernard.com

## ROBERT F. TACHER

**B**ob comes to our firm as an AV Preeminent Rated Lawyer who is listed in many “Who’s Who in American Law” Publications.

An attorney with 33 years experience, Bob managed the South Florida Legal Offices for the Travelers Insurance Company for many of those years and handled their most complex and high exposure litigation.

He has extensive experience in litigating high exposure Wrongful Death Cases, Complex and Catastrophic Injury Cases, and is experienced in handling all aspects of Automobile, Trucking, Premises Liability, Products Liability, Negligent Security, and Construction Litigation.

Bob served 8 years on the prestigious Florida Bar Code and Rules of Evidence Committee including one year as the Chairman of that committee.

### State/Court Admissions

- Florida Bar 1977
- U.S. District Court, Southern District of Florida, 1978.

### Education/Background

- B.A. University of Miami, 1972
- J.D. University of Miami, 1977

### Affiliations/Memberships

- The Florida Bar
- Broward County Bar Association
- American Bar Association

### Reported Cases

Johnson Construction v. Lopez, 902 So. 2d 206, Fla. App. (3rd Dist 2005); Almarante v. Art Institute of Fort Lauderdale, Inc., 921 So.2d 703, (4th Dist., 2006); Italian Pavilion, Inc., USA v. Palm Bay Studios, Inc., 8 So.3d 1145, (3rd Dist., 2009); Norlasco v. Asplundh Tree Expert Co., 36 So.3d 107, (3rd Dist., 2010)

# Peterson Bernard

A T T O R N E Y S   A T   L A W

Established 1981



West Palm Beach, Florida  
Phone: 561.686.5005  
barbara.taggart@petersonbernard.com

## BARBARA TAGGART

Barbara Taggart joined the firm in 2006 in its West Palm Beach office, and has practiced in Palm Beach County since 2001. Ms. Taggart has focused her practice on insurance defense, general liability, employment defense, civil rights defense and equine law. Her experience includes federal and state court appeals.

### State/Court Admissions

- Florida Bar, 2001
- Virginia Bar, 1993
- U.S. District Court, Southern District of Florida
- U.S. District Court, Middle District of Florida
- U.S. Court of Appeals, 11th Circuit
- U.S. Court of Appeals, 4th Circuit
- U.S. Supreme Court

### Education/Background

- State University of New York Buffalo, 1989
- J.D., George Mason University, 1993

### Affiliations/Memberships

- The Florida Bar
- The Virginia Bar

### Reported Opinions

Wyner v. Struhs, 254 F.Supp.2d 1297 (S.D.Fla.2003), affirmed by Wyner v. Struhs, 179 Fed. Appx. 566 (11th Cir. (Fla.) Ap. 25, 2006), cert. granted by Struhs v. Wyner, 127 S.Ct. 1055, 166 L.Ed.2d 797, 75 USLW 3220, (U.S. Jan.12, 2007), judgment reversed by Sole v. Wyner, ---S.Ct.---, 2007 WL 1582904 (U.S. Jun 4, 2007).

# Peterson Bernard

A T T O R N E Y S   A T   L A W

Established 1981



West Palm Beach, Florida  
561.686.5005  
[dennis.vandenberg@petersonbernard.com](mailto:dennis.vandenberg@petersonbernard.com)

## DENNIS A. VANDENBERG

Dennis Vandenberg is a shareholder in the firm's West Palm Beach office. His primary areas of concentration are medical, dental, attorney, accounting, nursing home and hospital malpractice. Mr. Vandenberg has litigated more than 100 jury trials. His defense in the case of Dr. David Acer's estate in the Bergalis AIDS/HIV litigation brought national attention to his skills as a trial lawyer. In addition to his law degree, Mr. Vandenberg is also a Certified Public Accountant. Mr. Vandenberg has been awarded the prestigious "AV" rating by Martindale-Hubbell.

### State/Court Admissions

- Certified Public Accountant, Illinois, 1973
- Florida Bar, 1976
- U.S. District Court, Southern District of Florida, 1978
- U.S. Supreme Court, 1982

### Education/Background

- B.S., Accounting, University of Illinois, 1973
- J.D., University of Miami, 1976
- Completed graduate courses towards L.L.M. in taxation, University of Miami
- Certified Public Accountant, Illinois, 1973
- Co-authored *A Guide to Rehabilitation Testimony*, 1990

### Affiliations/Memberships

- The Florida Bar
- American Bar Association
- Palm Beach County Bar Association
- Defense Research Institute
- Florida Defense Lawyers Association

### Reported Cases

Eden Park v. Zagorski, 821 So. 2d 1263 (Fla. App. 4th Dist. 2002); Hord v. Taibi, 801 So. 2d 1011 (Fla. App. 4th Dist. 2001); Wransky v. Dalfo, 801 So. 2d 239 (Fla. App. 4th Dist. 2001); U.S. Fire Ins. Co v. Transportation Cas. Ins. Co., 747 So. 2d 404 (Fla. App. 4th Dist. 1999); Wayjohn, Inc. v. Abejon, 724 So. 2d (Fla. App. 4th Dist. 1999); U.S. Fire Ins. V. Bellefeuille, 723 So. 2d 847 (Fla. App. 4th Dist. 1998); Mazzouccolo v. Gardner, McLain & Perlman, M.D., P.A., 714 So. 2d 534 (Fla. App. 4th Dist. 1998); Castenholz v. Bergmann, 696 So. 2d 610 (Fla. App. 4th Dist, 1997).



## **PREMISES LIABILITY • PRODUCTS LIABILITY AUTOMOBILE AND TRUCKING LITIGATION**

### **PREMISES LIABILITY**

The Firm's experience representing property owners and managers has provided our attorneys with a strong knowledge base regarding liability issues arising from the ownership and management of residential and commercial properties. The Firm is involved in the defense of claims including negligent security and lighting, trip and falls, negligent design, and claims involving building and municipal code violations and ADA compliance issues.

### **PRODUCTS LIABILITY**

The Firm's representation of major commercial clients has enabled our attorneys to develop experience in a wide variety of products, from back up warning devices used in the trucking/heavy equipment industry to tail-gate lifts and cranes. We have defended litigation involving a great variety of products from heavy industrial equipment to playground and consumer products, contaminated food products, pharmaceutical and medical devices, and other industrial devices.

### **AUTOMOBILE AND TRUCKING LITIGATION**

The Firm's practice includes the representation of major insurance carriers, rental car companies, leasing companies, individuals and commercial vehicle owners in the defense of claims involving the use and operation of all types of motor vehicles. Experience with the details of accident reconstruction and analysis, along with an understanding of Federal and State regulations governing the trucking industry, are essential in evaluating and preparing a case for trial. The attorneys at Peterson Bernard have experience in defending cases from the smallest automobile accidents to the largest catastrophic injury and wrongful death cases.





## **CONSTRUCTION DEFECT LIABILITY ENVIRONMENTAL AND TOXIC TORTS BUILDING ENVELOPE • PROJECT INSURANCE**

### **CONSTRUCTION DEFECT LIABILITY**

The defense of developers, architects, roofing contractors, window manufacturers and installers, building cladding manufacturers, engineers, general contractors and subcontractors in construction defect and personal injury claims is a significant area of the Firm's practice. Our attorneys have years of experience in working with contractors, as well as expert witnesses in this area of litigation. This area of practice also includes:

- Defective Construction
- Defective Building Products
- Statutory and Contractual Warranty Claims
- Delay Damages
- Mechanic's Liens
- Indemnification
- Coverage Issues

In addition to handling construction defect litigation, we also provide assistance with contract review and interpretation, along with pre-claims assistance.

### **ENVIRONMENTAL AND TOXIC TORTS**

It is critical that a firm handling toxic environmental claims have an in-depth knowledge and understanding of the State and Federal laws that apply to this area of practice. A growing area of the Firm's practice is the representation of public school systems in the defense of toxic exposure claims. The Firm also handles various other types of environmental related claims including gas tank explosions, pipeline leakage, mold claims and carbon monoxide poisoning.

### **BUILDING ENVELOPE LITIGATION**

Mold contamination, containment and abatement are pervasive issues that require an understanding of building design, construction and maintenance. The Firm has years of experience representing MEPs, architects, roofing contractors, window manufacturers and installers, building cladding manufacturers and installers and remediation design professionals.

### **PROJECT INSURANCE**

Defending design and construction disputes requires an understanding of suretyship and insurance. This Firm handles issues arising out of first and third party disputes, including builders risk, contractual liability, completed operations, professional liability, specialty coverage and additional insured exposure. The Firm prosecutes and defends declaratory judgment actions in State and Federal court.



## **MEDICAL MALPRACTICE • DENTAL MALPRACTICE NURSING HOME MALPRACTICE • HOSPITAL LAW**

### **MEDICAL MALPRACTICE**

The Firm defends hospitals, physicians, nurses and other professionals within the medical community. Within our staff of experienced medical malpractice attorneys are individuals who are guest lecturers at professional health care seminars and are published in numerous medical and legal publications.

The Firm's resources also include an up-to-date medical library, extensive on-line research programs and a database of the finest medical experts throughout the United States. Our representation of the medical community extends beyond defending malpractice claims, as we have also defended medical care providers in general liability matters, DBPR proceeding, credentialing and licensing issues.

### **DENTAL MALPRACTICE**

Our trial experience in the defense of dental malpractice claims extends beyond general dentistry to dental specialties. Particular areas in which we have defended dental care providers include implants, endocarditis, orthognathic surgery, root canal therapy, oral cancer and anaphylactic reactions. Our staff regularly attends seminars and conferences to remain current with all the latest medical trends and to obtain access to the most capable expert witnesses.

### **NURSING HOME MALPRACTICE**

Nursing home negligence is a rapidly growing area of healthcare litigation. The Firm has defended numerous nursing home facilities facing a variety of lawsuits. We are experienced in the areas of record and staffing deficiencies, license infractions, falls, nutritional issues, decubitus ulcers, and abuse. In addition, we have a full staff of nurse paralegals and certified legal assistants to assist in the investigation and defense of these claims.

### **HOSPITAL LAW**

The Firm is actively involved in representing the health care field including providers, hospitals, clinics, nursing homes, practice groups, physicians, nurses and allied health professionals with their compliance, regulatory and litigation needs.

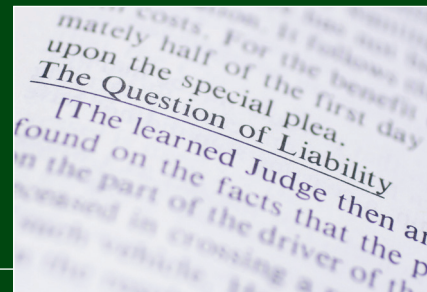
We regularly handle licensure and disciplinary issues before the health practitioner professional boards in Florida and the Florida Department of Health. At the same time, we assist individual health professionals with health compliance issues in an effort to resolve issues before the state agencies get involved.

The Firm also represents hospitals in medical staff issues, including peer review and other disciplinary investigations. To further assist our hospital clients, we offer a wide range of resources and seminars on current issues and emerging strategies to assist risk management functions.

FORT LAUDERDALE  
Ph: 954.763.3200  
Fax: 954.728.9019

STUART  
Ph: 772.286.9881  
Fax: 772.220.1784

WEST PALM BEACH  
Ph: 561.686.5005  
Fax: 561.471.5603



**GOVERNMENTAL LAW • EMPLOYMENT LAW  
INTENTIONAL TORTS • COMMERCIAL LAW • SUBROGATION**

**GOVERNMENTAL LAW**

The Firm is involved in the defense of municipalities, government agencies, schools, detention and correctional facilities and counties in all areas of governmental liability. The Firm is also active in the defense of police organizations in the area of false arrests and excessive force. Our attorneys have a broad base of experience and are involved in the defense of land use issues, claims of inverse condemnation, zoning violations and sovereign immunity.

**EMPLOYMENT LAW**

The Firm has a strong presence in both Federal and State court on behalf of employers defending claims arising from discrimination, wrongful termination and wage and hour matters.

**INTENTIONAL TORTS**

The Firm has experience in defending corporations and individuals in all types of intentional tort claims. Our attorneys are experienced in handling claims of any type and size in the areas of intentional infliction of emotional distress, libel and slander, false arrest, malicious prosecution, fraud, misrepresentation, tortious interference, conspiracy, assault, battery and civil theft.

**COMMERCIAL LITIGATION**

The Firm is involved in all types of commercial litigation, including contract claims, non-competition agreements, real estate disputes, and secured transaction (UCC) issues.

**SUBROGATION**

In recognition of the importance of cost recovery, our attorneys litigate subrogation claims on behalf of numerous insurers.



## **ACCOUNTING MALPRACTICE • ATTORNEY MALPRACTICE REAL ESTATE BROKERS ERRORS AND OMISSIONS LIABILITY**

### **ACCOUNTING MALPRACTICE**

The Firm is experienced in the representation of individual accounting practitioners and mid-sized firms in the practice areas of audit and tax compliance. This experience extends from pre-suit assistance to litigation.

One of the Firm's managing partners, Dennis Vandenberg is particularly competent in this field of law as he holds degrees in both law and accounting. With more than 30 years of experience as an attorney and practical experience working at a "Big Eight" accounting firm, he is well prepared to represent clients and insurers in the litigation process. Mr. Vandenberg received his certificate in 1973 after having passed the CPA exam and has also completed courses in the University of Miami LLM Taxation program.

### **ATTORNEY MALPRACTICE**

The Firm represents attorneys who have been sued for legal malpractice. Unfortunately, for the members of the Florida Bar and their insurers, legal malpractice cases appear to be on the rise. Peterson Bernard has experienced attorneys who handle this type of defense. Our attorneys have experience not only in litigation matters, but also in legal work involving family law, real estate, trust and probate and business matters. With the experience to draw on, our attorneys are not only well prepared to represent the client and the insurer in the litigation process, but also to understand the facts and circumstances upon which the claim arose.

### **REAL ESTATE BROKERS ERRORS AND OMISSIONS LIABILITY**

Since the real estate market in Florida is particularly dynamic, the incidence of realtor malpractice claims is significant. The Firm has been representing real estate brokers and agents for several years against claims including breach of contract, failure to detect and disclose, misrepresentation, fraud and breach of fiduciary duty.



## **INSURANCE COVERAGE AND BAD FAITH FIRST PARTY PRACTICE • CHINESE DRYWALL**

### **INSURANCE COVERAGE AND BAD FAITH**

Our attorneys represent major insurance carriers, third party administrators self-insured corporations, municipalities and other related entities in coverage disputes and litigation. Our long standing relationships with many of the nation's premier insurance companies provide an extensive background in handling a wide variety of coverage claims involving automobile and general liability policies, medical liability, legal liability, errors and omissions and bad faith. Our attorneys also provide opinions on Florida coverage law to insurers prior to the inception of litigation.

In this area of practice, lawsuits and claims often include allegations of failure to settle, untimely or inadequate offers of settlement, unfair claims practices, misrepresentation with respect to coverage during application and/or claim processes, and the provision of inadequate or inappropriate defense.

The Firm is often consulted while an underlying claim is pending and before a formal bad faith claim is presented. A significant portion of the Firm's work in this area involves monitoring the claim handling during the underlying claim.

Our attorneys are called upon to assess bad faith exposure in advance of the formal prosecution of the claim and to represent the insurance company carriers and third party administrators at mediation or other alternative dispute proceedings.

### **FIRST PARTY PRACTICE**

Peterson Bernard takes pride in representing insurance carriers in first party claims and coverage disputes. Over the years, the firm has handled a variety of legal matters. Our attorneys are prepared to assist in the development of objective factual information relating to the claim, document requests, and examinations under oath designed to resolve problematic claims before litigation. As part of this representation, we provide analysis of coverage issues and the carrier's statutory and contractual obligations as well as case law that may affect the outcome of such claims. In claims where litigation does ensue, we have successfully defended carriers' rights under the contract and Florida law. Our attorneys are called upon to assess bad faith exposure in advance of the formal prosecution of the claim and to represent the insurance carriers at all stages of litigation including mediation or other alternative dispute proceedings and trial. Our attorneys have represented carriers in the investigation of catastrophe claims during the initial claims proceeding and in supplemental claims litigation. We take satisfaction in timely responding to all of our clients' needs.

### **CHINESE DRYWALL**

Peterson Bernard defends construction defect claims involving alleged property damage and illness resulting from construction with faulty Chinese Drywall, both in Florida state and Federal courts.



## **APELLATE PRACTICE • CRIMINAL PRACTICE**

### **APELLATE PRACTICE**

The Firm has a well-established appellate department representing clients in all areas of civil, administrative and workers' compensation law before State and Federal appellate courts. The appellate department also provides significant litigation support for attorneys both inside and outside the Firm by drafting and arguing motions, assisting at trial and attending post-trial hearings to ensure preservation of appellate issues. Whether we serve as primary, consulting, or amicus counsel before the appellate court, our role can be a crucial element to achieving appellate success.

### **CRIMINAL DEFENSE**

The firm represents individuals who have been arrested and/or charged with a crime. Our criminal defense practice involves both federal and state court defense and includes the defense of: misdemeanors, felonies, domestic violence cases, suspended licenses, economic crimes, drug crimes, and DUI's.

We take a pro-active and aggressive approach from the beginning of the criminal process to achieve the best and most efficient results possible while using the utmost discretion to protect the privacy of our clients. The firm also has an extensive criminal trial practice. In the event the case cannot be resolved prior to trial, the firm will guide the client through the unfamiliar terrain of the criminal trial to achieve the best result possible.

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## **WORKERS' COMPENSATION • MEDIATION**

### **WORKERS' COMPENSATION**

The firm has a well established workers' compensation department with over 30 years experience representing self-insured employers, third party administrators and employers/carriers at both the trial and appellate levels.

This experience includes dealing with complex issues that are particular to the construction and agricultural industries, municipalities, school boards and PEOs (Professional Employer Organizations). With respect to municipalities, the firm has considerable experience dealing with "first responder" claims (firefighters and law enforcement) under Fla. Stat. 112.18. With respect to the construction industry and PEOs, the firm has considerable experience in dealing with employee/employer relationship issues and coverage issues.

The firm has represented clients in workers' compensation matters in every jurisdiction in the State of Florida and at the First and Fourth District Courts of Appeal.

### **MEDIATION**

The firm has an experienced Supreme Court Certified Mediator available to mediate all civil matters and workers' compensation claims.

The firm's Mediator is also qualified and available to mediate civil and workers' compensation matters at the appellate level.

The firm's Mediator is available to mediate cases in all Florida jurisdictions.



## EQUINE LAW

### EQUINE LAW

Equine law is the practice of law as it relates to all aspects of horses, equestrian sports, equine businesses, organizations, and facilities. Equine legal issues can involve sales and transfer agreements and disputes, board and lease contracts, medication and drug related issues, competition protests, USEF hearings, liability defense and business formation. The firm is experienced in representing athletes, owners, trainers, facility owners, and equestrian organizations in a variety of legal matters.

Our equine legal services include drafting board agreements and waivers/releases for farm owners, sales agreements for purchasers, sellers and lease agreements; litigating veterinary malpractice lawsuits; defending claims of fraudulent misrepresentation and breach of consumer protection laws; prosecuting liens for unpaid board; defending drug/medication violations at USEF; defending personal injury claims; and advising clients regarding business entities and insurance.

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STUART  
Ph: 772.286.9881  
Fax: 772.220.1784

WEST PALM BEACH  
Ph: 561.686.5005  
Fax: 561.471.5603

# PETERSON BERNARD

## LOCATIONS



- **FORT LAUDERDALE**

707 SE 3rd Ave., 5th FLOOR, Fort Lauderdale, FL 33316  
954 763 3200 • fax 954 728 9019  
[bill.martin@petersonbernard.com](mailto:bill.martin@petersonbernard.com)

- **WEST PALM BEACH**

1550 Southern Blvd., Suite 300, West Palm Beach, FL 33406  
561 686 5005 • fax 561 471 5603  
[eric.peterson@petersonbernard.com](mailto:eric.peterson@petersonbernard.com)

- **STUART**

416 Flamingo Ave., Stuart, FL 34996  
772 286 9881 • fax 772 220 1784  
[edwin.mortell@petersonbernard.com](mailto:edwin.mortell@petersonbernard.com)