



AAA Mediation.org™

**FN-4345848 MN-4345848 LN-4345848,  
Esq.**

**Orlando, Florida**



**Current Employer-Title** Moran Kidd Lyons Johnson Garcia - Of Counsel

**Work History** Of Counsel, Moran Kidd Lyons Johnson Garcia, 2013-Present; Shareholder, The Tessitore Law Firm, 2009-2013; Shareholder, McClane Tessitore, 1999-2009; Associate Attorney, Maguire Voorhis & Wells, 1992-1998.

**Experience** Over 30 years of experience handling complex commercial litigation and bankruptcy matters in Florida's state and federal courts. Expertise in all phases of the dispute resolution process including negotiation, mediation, arbitration and trial. Skilled in handling international commercial disputes and cross-border litigations. Spanish language proficiency.

Extensive experience with contracts, commercial torts, fraud, commercial real estate, business insolvency, debt collection, voidable transfers, corporate governance and partnership disputes. Advised real estate developers, commercial lenders and borrowers, equipment finance companies, professional fiduciaries, contractors, hotels, entertainment companies and entrepreneurs.

Served for many years as an adjunct professor at Stetson University College of Law, teaching advanced courses on international litigation and arbitration.

Honors include Martindale-Hubbell AV® Preeminent™ Rated and The Best Lawyers in America® selections for bet-the-company litigation, bankruptcy, creditor-debtor rights law, insolvency and reorganization law and commercial litigation.

**Mediator Experience** Florida Supreme Court Certified Mediator and Florida Supreme Court Qualified Arbitrator.

Vast experience serving as a certified mediator in more than 300 commercial cases since 2007. Expertise in assisting parties in resolving complex disputes in both court-ordered and ad hoc mediations. Skilled in handling multiparty disputes and high profile cases. Member of the American Arbitration Association Commercial Panel since 2017. Extensive experience as an advocate in commercial arbitration proceedings for over 30 years.

## **Representative Issues Handled as a Mediator**

Matters most frequently mediated have been disputes involving: breach of contract, fraud, breach of fiduciary duty and commercial torts; corporate governance and shareholder/member relationships; commercial debt enforcement and insolvency; and real estate sales/purchases, foreclosures and work-outs.

Some representative cases recently handled as a mediator include: multi-million dollar claims brought by a sports agency and academy against a sporting goods licensing company and its parent company for alleged breaches of a joint venture and licensing agreement; breach of contract and fraud claims brought by a creditor against a large, alleged Ponzi investment scheme; multi-million dollar claims brought by the minority member of an LLC against the majority member for breach of fiduciary duty and judicial dissolution of a real estate development company that was allegedly mismanaged and suffering from waste; claims for specific performance and breach of contract brought by a purchaser against a seller for allegedly failing to deliver title to real property; breach of contract and warranty claims brought by a trash recycling facility against a supplier of allegedly defective recycling equipment; breach contract and fraud claims brought by a large developer and home builder against commercial landscaping company for allegedly defective landscaping services rendered to large residential community; and, fraud and breach of contract claims brought by purchaser of a multiple restaurant businesses against the seller based on alleged misrepresentations regarding the financial performance of the businesses.

## **Mediator Style & Process Preferences**

My philosophy as a mediator is to first listen carefully to each party's position in order to gain a thorough understanding of the party's concerns and objectives and the strengths and weaknesses of the claims and defenses involved in the dispute. Based on this understanding, I then diligently assist each party in objectively analyzing the merits of the case, viable options for reaching a consensual business resolution of the dispute and the potential risks and rewards involved in not reaching a consensual resolution.

I view my role as a trusted neutral who, based on my experience and analytical abilities, can bring a fresh perspective to the dispute and offer new, creative solutions that will eliminate the time, expense and risks of litigation. Late nights and multiple day mediations are perfectly acceptable to me if that is what it takes to get a deal done. I am a stickler for stressing the confidential nature of all mediation communications. In complex cases, I am firm believer that separate phone conferences or meetings between me and the attorneys before the mediation conference are often helpful in making the process more efficient and successful.

My expectation is that the attorneys will prepare their clients in advance regarding the workings of the mediation process so that we can be as efficient as possible once the mediation begins. I am fully aware that mediations can be expensive, and I am therefore constantly mindful of the fact that I am responsible for making sure that no party's time or money is wasted during the process.

## **Technology Proficiency**

Skilled in conducting virtual ADR proceedings via Zoom.

## **Education**

Stetson University College of Law (LLM, International Law & Business, Summa Cum Laude-1999); University of Florida College of Law (JD, with High Honors-1992); University of Notre Dame (BA, Spanish, with Honors-1987).

## **Professional Licenses**

Admitted to the Bar: Florida (1992); US District Courts: Middle District of Florida (1992), Southern District of Florida (2011), Northern District of Florida (2013); US Supreme Court (1996).

## **Professional Associations**

Florida Bar Association (Business Law Section, International Law Section, Alternative Dispute Resolution Section).

## **Recent Publications & Speaking Engagements**

From Russia with Love: 11th Circuit Affirms the Utility of 28 U.S.C. §1782 in International Discovery, The Florida Bar Journal, 2016; Southern District Announces Potential Game Changer in Fraudulent Transfer Litigation, International Law Section Gazette, 2016; Florida Civil-law Notary: A Practical New Tool for Doing Business with Latin America, 32 Stetson Law Review 727, 2003; The U.N. Convention on International Sales and the Seller's Ineffective Right of Reclamation Under the U.S. Bankruptcy Code, Willamette Law Review, 1999; Foreign Litigants Seek Forum to Litigate - Is Florida Open for Business?, Florida Bar Journal, 2005; A Tiger to the South: The Emerging Importance of Mercosur, International Law Quarterly of the International Law Section of the Florida Bar, 1999; Immunity and the Foreign Sovereign: An Introduction to the FSIA, Florida Bar Journal, 1999; Fifth DCA Tackles International Forum Battle, International Law Quarterly, 2000; Give Us

Your Tired, Your Poor, Your... Money Judgments: The Emergence of Florida's Uniform Out of Country Foreign Money Judgment Recognition Act, International Law Quarterly.

<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Central Florida
<b>Mediation Rate</b>	\$475 Per Hour
<b>Languages</b>	English, Spanish
<b>Citizenship</b>	United States of America
<b>Locale</b>	Orlando, FL

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.