



Joseph A. Sacher

PARTNER

Miami

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RELATED SERVICES

- Commercial Litigation
- Estate & Trust Litigation
- Appellate
- Banking & Finance
- Securities
- Professional Liability Defense
- Government Investigations & Enforcement Defense

OFFICES

- Miami
- Atlanta
- Tampa

OVERVIEW

Joseph A. Sacher concentrates his practice on complex commercial litigation and appeals. He Chairs GRSM's Government Investigations & Enforcement Defense practice group, and also serves a Co-Chair of both the Securities and Estate & Trust Litigation practice groups. He has extensive litigation, trial, and appellate experience in State and Federal courts.

In his more than twenty-five years of experience, Joe has represented individuals, businesses, trustees and beneficiaries, professionals and professional associations, officers and directors, and financial institutions in pre-suit crisis avoidance and complex, multi-million-dollar civil litigation, as both plaintiffs

and defendants. He has successfully prosecuted and defended complex trust actions; has successfully defended accounting firms, law firms, and officers and directors in shareholder and professional liability disputes; has been recognized for obtaining the third largest Florida Jury Verdict in 2013 in the category of Contract Disputes; has obtained an attorneys' fees award in excess of \$1 Million; and has successfully prosecuted and defended various complex and multi-million dollar appeals.

Joe has been repeatedly recognized by his peers in the area of securities litigation and compliance and has extensive government investigation, securities enforcement, and related litigation experience (starting with a law school externship at the SEC's Atlanta Regional Office), particularly in connection with investigations and enforcement actions brought by the U.S. Securities and Exchange Commission ("SEC") and similar organizations, such as Financial Industry Regulatory Authority ("FINRA") and the Florida Office of Financial Regulation ("FLOFR"). He regularly advises and has successfully defended numerous individuals, professionals, businesses, and public companies as subpoena recipients, subjects/targets in the early stages of government enforcement investigations, and as defendants in full-blown enforcement actions, through trial and appeal.

Separate from his experience in specialized litigation matters, Joseph also acts as outside counsel to individuals, professionals, and various types of business entities, providing general counsel and advice, assisting with corporate matters including internal and external investigations, advising on regulatory compliance, and acting as a liaison to governmental regulatory authorities, with a particular emphasis on pre-suit and post-suit crisis management and avoidance.

REPRESENTATIVE EXPERIENCE

Experience

- **Caster v. Miller (Fla. 3d DCA 2024)** – Co-Lead appellate and lead trial counsel for Trustee in complex trust litigation, affirming trial court disqualification of Plaintiff's lead counsel, following extensive evidentiary hearings over seven months, affirming early trial court disqualification order, based on evidence and expert testimony.
- **Amersham Enterprises, Inc., et al. v. Carlos Hakim-Daccach (Fla. 3d DCA 2024)** – Co-appellate counsel for individual successfully defending \$9.5 million judgment in post-trial appeal, following nine-year, multi-jurisdictional litigation.
- **Knauf de Colombia, S.A.S., et al. v. Carlos Hakim-Daccach (Fla. 3d DCA 2024)** – Co-appellate counsel for individually successfully defending \$9.5 million judgment in post-trial appeal, securing all requested relief for client after nine-year, multi-jurisdictional litigation in Colombia, Panama, and Florida involving a network of conspiracy and fraud (involving family member, multiple entities, foreign banks, and related commercial interests) attempting to deprive client of the value of his investment.

- **St. Louis, et al. v. Bailey, et al. (Fla. Sup. Ct. 2019)** – Appeal of first impression disgorgement damage issue concerning \$240 million in disgorgement damages, contrary to findings of trial court after bench trial and two subsequent appeals.
- **JetSmarter, Inc. (AAA 2019)** – Co-counsel in Florida opt-out arbitrations of AAA nationwide class action, and related litigation enforcing arbitration clauses.
- **Perez Trading Co. v. Berkowitz Pollack Brandt Advisors and Accountants, LLP (Miami-Dade Complex Court and Third District Court of Appeal 2019)** – Co-lead trial and appellate counsel for accounting firm for alleged professional negligence from 1992 to 2015 during which time a senior manager was convicted of false invoice scheme that resulted in theft of over \$9 million from employer. The dispute amicably settlement.
- **Ricketts v. Imerys Talc America (Fla. 4th DCA 2018 and related statewide litigation)** – Obtained first impression Florida appellate decision finding lack of personal jurisdiction over foreign material supplier. This resulted in multiple trial court dismissals in nationwide litigation.
- **SEC v. McKelvey (S.D. Fla. 2018)** – Defeated SEC’s request for permanent lifetime officer and director bar against defendant who was convicted in earlier resolved criminal action involving “blank check company” fraud scheme.
- **National Exchange Service Ltd., et al. v. Cory Robins, et al. (Miami-Dade Complex Business Division 2018)** – Lead defense counsel attorney and law firm in action seeking more than \$150 million in damages for purported role in alleged international theft of funds, before amicably settling the dispute.
- **Ishow.com, Inc. v. Lennar Corp. (U.S. Dist. Wash. 2017)** – Member of joint trial team in litigation and Federal Jury trial involving dispute over Trademark with potential damages of over \$500 million, before amicably settling the dispute.
- **Lopez v. Flores (Miami-Dade Circuit Civil, Probate, Guardianship, Family, and Third District Court and Supreme Court appeals, 2015-2018)** – Co-lead counsel in complex, multi-year, and multi-million-dollar trust litigation involving coordinated litigation in four divisions of Circuit Court, as well as multiple successful appeals to District (including disqualification of counsel) and Supreme Courts, before amicably settling all litigation.
- **In the Matter of Ireeco LLC and Ireeco Limited, Respondents (SEC Administrative Proceeding 2015)** — Partially settled first non-fraud SEC action in EB-5 industry, involving alleged Section 15(a) alleged violations of broker-dealer registration provisions of Securities Exchange Act of 1934 against U.S. and Hong Kong LLCs; avoiding any claims against the entities’ principals, and preserving the right to litigate SEC disgorgement and penalty claims.
- **National Pension Consultants, Inc. (SEC Admin. 2014)** Lead counsel for trader and company defending alleged conduct in connection with alleged \$9 billion bond trading scheme, including Wells Submission and Wells Arguments to California-based Regional Directors, Branch Chiefs, and ultimately Chief of Enforcement in Washington DC. The dispute was amicably settled.

- **Nature's Products, Inc. v. Natrol, Inc. and FCC Products, Inc. (S.D. Fla. 2013)** — Represented Defendant/Counterclaimant Natrol, Inc. Obtained partial Summary Judgment on liability for breach of indemnity agreement and breach of implied warranty of merchantability, arising from an FDA Class 1 Recall of client's Protein Powder Products, reserving damages determination for Jury. Subsequently obtained Jury Verdict, following a two-week trial, in the amount of \$3,272,705, based on breaches of indemnity agreement, manufacturing contract, express warranty, and implied warranty of merchantability. Obtained additional award of \$1.2 million in attorneys' fees and related expenses post-trial.
- **SEC v. Kramer (M.D. Fla. 2011)** — Successful defense of SEC lawsuit alleging unregistered broker-dealer activity, following two-week bench trial and appeal. The Kramer decision is one of, if not the leading decision on the standard for Unregistered Broker-Dealer liability, and is routinely cited in court filings and secondary sources, including Wright & Miller's Federal Practice and Procedure treatise.
- **SEC v. Merkin (S.D. Fla. 2012)** — Obtained orders directing U.S. Securities and Exchange Commission to submit to Rule 30(b)(6) deposition, overruling SEC's Objections to Magistrate Judge's Order Permitting a Rule 30(b)(6) deposition of the SEC, and denying SEC's motion to stay the deposition.
- **Compania de Elaborados de Café v. Cardinal Capital Mgmt., Inc. (S.D. Fla. 2003)** — Obtained summary judgment of dismissal in successful defense of brokerage firm against lawsuit by non-customer for alleged conversion and fraud. The decision is routinely cited in the Southern District of Florida in matters involving fraud.
- **Kast v. Tube Media Network, et al. (Broward County Business Court 2011)** — Successfully defended CPA firm in multi-million dollar investor suit against defunct cable television station, its officers and directors, and outside accounting firm, by obtaining dismissal with prejudice of Third Amended Complaint against Weinberg & Co., CPAs, and recovering attorneys' fees, pursuant to Florida's Securities and Investor Protection Act.

Representative Cases

- *Caster v. Miller*, No. 3D22-261, 2024 WL 3168292, ___ So. 3d ___ (Fla. 3d DCA 2024)
- *Amersham Enterprises, Inc. v. Hakim-Daccach*, 388 So. 3e 1063 (Fla. 3d DA 2024)
- *Knauf de Colombia, S.A.S., et al, v. Hakim-Daccach*, 388 So. 3d 253 (Fla. 3d DCA 2024)
- *Gustin v. Nicoll*, 824 F. Appx 875 (11th Cir. 2020)
- *Imerys Talc America v. Ricketts*, 262 So. 3d 799 (Fla. 4th DCA, 2018)
- *Conde v. Webcollex, LLC*, 752 Fed. Appx. 935 (11th Cir. 2018)
- *Lopez v. Flores*, 223 So. 3d 1033 (Fla. 3d DCA 2017)
- *McMillin v. Scarola*, 205 So. 608 (Fla. 4th DCA 2016)
- *Bovarnick v. Kohler Co.*, 2016 Fla. App. LEXIS 11486 (Fla. 4th DCA 2016)
- *Flores v. Lopez*, 197 So. 3d 594 (Fla. 3d DCA 2016)

- *SEC v. McKelvey*, 2015 U.S. Dist. LEXIS 186196 (S.D. Fla. 2015)
- *Nature's Products, Inc. v. Natrol, Inc., et al.*, 2013 WL 7738172, — F.Supp.2d — (S.D. Fla. 2013)
- *SEC v. Merkin*, 283 F.R.D. 699 (S.D. Fla. 2012)
- *SEC v. Merkin*, 283 F.R.D. 689 (S.D. Fla. 2012)
- *Landmark Am. Ins. Co. v. Moulton Props.*, 440 Fed. Appx. 788 (11th Cir. 2011)
- *SEC v. Kramer*, 778 F.Supp.2d 1320 (M.D. Fla. 2011), and appeal dismissed, December 2011
- *Ferdie v. Isaacson*, 8 So. 3d 1246 (Fla. 4th DCA 2009)
- *VOIP, Inc. v. Rivas*, 935 So. 2d 17 (Fla. 4th 2006)
- *Biomarine Techs., Inc. v. Moulton Props.*, 933 So. 2d 523 (Fla. 1st DCA 2006)
- *Ubuy Holdings, Inc. v. Gladstone*, 340 F.Supp.2d 1343 (S.D. Fla. 2004)
- *Compania de Elaborados de Café v. Cardinal Capital Mgmt.*, 401 F.Supp.2d 1270 (S.D. Fla. 2003)
- *U.S. v. Word*, 129 F.3d 1209 (11th Cir. 1997)

PUBLICATIONS

- Author, The Value of a Truly Great Indemnity Agreement: When Things Go Bad, Having the Right Business Contract Can Win Your Case, and Reimburse Your Litigation Costs, Including Attorneys' Fees, *The Florida Law Journal*, March 2014
- Author, Don't Let it Tell You Otherwise: You Can Depose the SEC...Sometimes (A Lesson for Private and Public Securities Litigators, as Well as the Judiciary), *The Federal Lawyer*, 2013
- Co-Author, In Practice: The Public Company Accounting Reform and Protection Act, *The Florida Bar News*, September 2002

PRESENTATIONS

- Panelist, *To Certify or Not: That Is the Question*, The National Judicial College's Class Action Program, April 2018
- Panelist, *Managing & Handling the Government Investigation*, 6th Annual Florida's Grand Bench & Bar Conference, March 2017
- Moderator, *The Florida Bar's Practicing with Professionalism*, Judicial Panel, August 2016
- Panelist, *Moral Courage in Action*, Whistleblower Laws, Ninth Annual Ethics Seminar, November 2015
- Organizer, Meeting between Broker-Dealers and related Securities Industry Professionals and SEC Commissioner Kara M. Stein, SEC's Miami Regional Office, January 2015
- Speaker, Florida International Bankers Association Securities-focused events, and Co-Moderator of numerous Securities Roundtables with registered persons and associations, having a "frank and honest discussion" regarding regulatory investigations and compliance

CREDENTIALS

Admissions

- Florida
- Georgia
- U.S. District Court, Northern District of Georgia (Inactive)
- U.S. District Court, Southern, Northern and Middle Districts of Florida
- U.S. Court of Appeals Eleventh Circuit

Memberships

- State Bar of Florida Bar
- 11th Judicial Circuit Grievance Committee, “A” (2016-2018, Chair 2018)
- State Bar of Georgia Bar
- Federal Bar Association
- Dade County Bar Association

Education

- J.D., The University of Alabama School of Law, 1997
- B.A., Emory University, 1994

Honors

- *Best Lawyers in America*® distinction in Litigation – Securities (2015-2025)
- Finalist for Dade County Bar Association’s Legal Luminaries Award in Securities, 2016
- Recognized by ALM® and Daily Business Review® for obtaining the 3rd largest Florida Jury Verdict of 2013 for Contract Disputes
- Top Rated Lawyers™ and AV® Preeminent™, Peer Review Rated by Martindale-Hubbell
- *Super Lawyers*®, Florida (2016-2018)
- *Super Lawyers*® Rising Star, Florida (2009)