



## Michael J. Napoleone

*Partner*

*West Palm Beach, FL*

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### OVERVIEW

Michael Napoleone, an experienced litigator, represents businesses and individuals in complex disputes involving contract matters, shareholder and partnership agreements, restrictive covenants and trade secret misappropriation, real estate and construction matters, and class actions. His practice also includes estate and trust litigation, representing beneficiaries and fiduciaries in will contests and surcharge actions. Michael also represents attorneys in proceedings before The Florida Bar's grievance committees. He has represented clients in jury trials, bench trials, injunction proceedings, arbitration, mediation and the appellate courts. His clients have included Fortune 500 Companies, small businesses, developers, individuals, physicians and medical practices, and condominium associations.

Michael does extensive bar-related and community work. He currently serves as the Mayor of the Village of Wellington. Michael served twelve years as a member of the executive board of the Early Learning Coalition of Palm Beach County. He is a past-president of the Palm Beach County Bar Association, a current member of the executive board of the Transportation Planning Agency for Palm Beach County, and an elected board member of the Palm Beach County League of Cities.

### EXPERIENCE

*Prior results do not guarantee a similar outcome.*

Obtained jury returned verdict in favor of the firm's client against client's former employees and their competing business, where jury determined that the company's client list constituted a protectable trade secret and found defendants liable on all counts and awarded plaintiff damages for the business losses resulting from the defendants' wrongful conduct, even though the former employees were not

bound by non-competition or non-solicitation agreements

Obtained multi-million dollar jury award in favor of residential developer client against party who breached right of first refusal in development agreement that gave client the right to acquire the remaining developable land

Obtained seven-figure award following bench trial on former employees' claims against former employer for breach of employment agreements for failure to pay hundreds of thousands of dollars in earned commissions with additional damages including over \$1 million in attorney fees and costs to client; representation also included successful defense of counterclaims by former employer for alleged violations of non-compete agreements and theft of trade secrets

Prosecuted claims in arbitration on behalf of subsidiary rights holder against author and producer of national production of off-Broadway musical and negotiated favorable settlement following multi-million dollar arbitration award in favor of client

Represented members of closely-held, family-owned businesses in settlement of shareholder derivative litigation involving allegations of breach of fiduciary duty, usurpation of corporate opportunity, conversion and civil conspiracy

Successfully represented the five adult children of a decedent in defense of a multi-million dollar surcharge action, which was aggressively pursued by the successor personal representative on behalf several financial institutions; negotiated settlement of all claims and obtained releases in favor of all clients and a discharge from the probate court

Represented national fast food franchisor in settlement of federal court litigation with franchisee over claims of fraud, misrepresentation and tortious interference with business relationships

Defended a group of doctors and their medical practices against RICO, fraud and deceptive trade practice claims, asserted by insurance carriers seeking million in damages related to their performance of certain surgical spinal procedures; matter settled to clients satisfaction

Defended businesses and individual family members in multi-jurisdiction litigation involving claims of alleged fraudulent transfers where plaintiffs claimed that clients transferred of millions of dollars in assets to avoid the reach of judgment creditors

Successfully defended a law firm in an investigation by the attorney general in assessing whether fraudulent documentation had been created and filed by the firm in an effort speed up foreclosure processes, where the law firm denied all allegations and successfully quashed the subpoena; upheld on appeal and created new law in the State of Florida as to the power of the attorney general to investigate law firms

Represented condominium association in multi-year litigation against former country club owner arising from club operator's breaches of covenants contained in the Declaration of Condominium; obtained final summary judgment in favor of client and later pursued post-judgment proceedings against successor club owner and obtained final judgment in favor of condominium association resulting in successor club owner conveying millions of dollars in waterfront property to client

## SERVICES

**COMPLEX COMMERCIAL LITIGATION**

**MERGERS, ACQUISITIONS AND JOINT VENTURES**

**APPELLATE PRACTICE**

**EMPLOYMENT LITIGATION**

**FIDUCIARY AND PROBATE LITIGATION**

**LITIGATION**

## INDUSTRIES

**INTELLECTUAL PROPERTY LITIGATION**

**REAL ESTATE LITIGATION**

## INSIGHTS

**PRESIDENT BIDEN ISSUES EXECUTIVE ORDER TARGETING EMPLOYERS' USE OF 'UNFAIR' NONCOMPETITION AGREEMENTS**

Co-author, July 29, 2021, *Day Pitney Advisory*

**FLORIDA GOVERNOR ISSUES STAY-AT-HOME ORDER, DESIGNATES ESSENTIAL SERVICES DURING COVID-19 PANDEMIC**

Co-author, April 7, 2020, *Day Pitney Advisory*

**FACEBOOK 'FRIENDSHIP' WITH A JUDGE - STANDING ALONE - INSUFFICIENT FOR DISQUALIFICATION**

Author, November 15, 2018, *Day Pitney Advisory*

**LETTER: WHY JUDICIAL ELECTIONS MATTER**

Author, July 20, 2018, *Town-Crier*

**PRIVACY IN THE GOLDEN AGE OF SOCIAL MEDIA**

Author, April 12, 2018, *Day Pitney Advisory*

## NEWS

**MICHAEL NAPOLEONE SERVES AS FIRM REPRESENTATIVE TO THE BUSINESS**

## **DEVELOPMENT BOARD OF PALM BEACH**

Featured, 2023-2024, *Palm Beach County Profile*

## **DAY PITNEY PARTNER MICHAEL J. NAPOLEONE RE-APPOINTED VICE-MAYOR OF WELLINGTON**

Featured, May 9, 2023, *Day Pitney Press Release*

## **TOP LAWYER 2022; BOCA RATON OBSERVER**

Featured, September 2022, *Boca Raton Observer*

## **TOP LAWYERS 2022; PALM BEACH ILLUSTRATED**

Featured, September 2022, *Palm Beach Illustrated*

## **MICHAEL NAPOLEONE REELECTED TO BOARD OF DIRECTORS FOR THE PALM BEACH COUNTY LEAGUE OF CITIES**

Featured, May 31, 2022, *Day Pitney Press Release*

# **EDUCATION AND CREDENTIALS**

## **EDUCATION**

St. John's University School of Law, J.D., TEST

University of Florida, B.S., TEST

## **ADMISSIONS**

State of Florida

State of New York

## **AFFILIATIONS**

Palm Beach County Bar Association

The Florida Bar

Leadership Palm Beach County

Leadership West Palm Beach

Business Development Board of Palm Beach County

The Forum Club of the Palm Beaches

# RECOGNITION AND COMMUNITY

## RECOGNITION

Selected to list of *Top Lawyers*, Business Litigation, by *Palm Beach Illustrated*, 2022

Selected to the Top Lawyers list in the Commercial Litigation category by the *Boca Raton Observer* (A&A Publishing Corp) and DataJoe, 2022

Selected to the list of Florida *Super Lawyers* (Thomson Reuters), Business Litigation, 2010-2023

Selected to the list of Florida *Super Lawyers* Rising Stars (Thomson Reuters), Business Litigation, 2009

Chosen for inclusion on the list *Florida Legal Elite* by *Florida Trend* (Trend Magazines Inc.), 2009-2018

Selected to list of *South Florida's Top Lawyers* by the *South Florida Legal Guide*, 2018

Chosen for inclusion in *The Best Lawyers in America* (Woodward/White, Inc.), Commercial Litigation, 2015, 2020-2024

Chosen for inclusion in *The Best Lawyers in America* (Woodward/White, Inc.), Real Estate Litigation, 2015

Recipient of the Key Partners Award from the *South Florida Business Journal* (American City Business Journals), 2012

Finalist for the list of "Most Effective Lawyers" in International Law by *Daily Business Review* (ALM Media Properties, LLC), 2010

Installed as a member of the Florida Blue Key leadership honorary society at the University of Florida, 1992

AV Preeminent rated by *Martindale-Hubbell* (LexisNexis)

*No aspect of these advertisements has been approved by the highest court of any state. See [Awards Methodology](#).*

## COMMUNITY

Wellington Village Council, Elected Council Member, 2016-present

Early Learning Coalition of Palm Beach County, Board of Directors, 2011-2021

Palm Beach County Transportation Planning Agency, Governing Board, 2017-Present; Executive Board, 2021-Present

Palm Beach County League of Cities, Board Member, 2019-Present