

## Jason S. Koslowe



Shareholder

Miami Office

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### PRACTICE AREAS

Litigation & Dispute Resolution

Banking & Financial Institutions

Class Actions

### LANGUAGES

Hebrew

### OVERVIEW

Jason Koslowe is a Shareholder in the Litigation Department who handles complex commercial and financial litigation, bankruptcy matters, and distressed asset transactions. Prior to joining the firm, Jason clerked for the Honorable Beth Bloom, United States District Court Judge for the Southern District of Florida, and worked at an international law firm in New York where he focused on bankruptcy and financial litigation and business reorganization transactions.

Jason earned his J.D. from Columbia University School of Law and his LLM in International Law from the University of Amsterdam Law School, completed ABD towards his PhD in Government from Georgetown University, and earned his M.A in Politics from New York University and his B.A., *summa cum laude*, from Yeshiva University.

## REPRESENTATIVE EXPERIENCE

### Representative Litigation Experience

Counsel to property owners and operators of historic Ball & Chain and affiliates in headline litigation against the City of Miami for its formal policies weaponizing every element of municipal power to destroy the clients' constitutionally protected rights to their real property and businesses. Parallel lawsuit recently secured a \$63.5 million jury verdict against City commissioner for the political vendetta predicated on the City's unlawful policies.

Counsel to high-end residential condominium associations at the Carillon hotel and spa complex on Miami Beach suing equity fund operating the hotel, spa, property, and amenities for mismanagement, over-assessment in breach of contracts, and usurpation of statutorily protected rights. Secured \$16.3 million jury verdict for over-assessment. Secured landmark summary judgment invalidating master declaration unlawfully arrogating property ownership, control, and assessment rights over common property protected under Florida's Condominium Act.

Counsel to Flagstone Island Gardens LLC and Flagstone Development Corporation in a suit against the City of Miami in connection with Flagstone's right to develop and lease a \$1.2 billion mixed-used hotel, retail and mega-yacht marina project on Watson Island. Secured at trial on every count, counterclaim, and issue in dispute, for the City's repudiation and breach of its development and lease agreements. Designed and achieved settlement as to remedies with Flagstone obtaining \$20 million in cash, \$10 million in rent setoff rights, and new development and lease agreements providing millions more in economic value. Further secured dismissal with prejudice of objector suit attempting to halt Flagstone development, affirmed on appeal.

Counsel to operating member of Apeiron Miami, owner and developer of the Jockey Club properties, 22 acres of residential, marina and luxury amenities development, in several lawsuits initiated by non-operating member and their alter egos attempting loan-to-own scheme, foreclosure, dissociation and LLC dissolution. Secured novel injunctive relief, affirmed on appeal, and settlement obtaining remaining value and exit for clients.

Counsel to property owner stripped of rights to display and develop outdoor advertising on federal interstate generating millions of dollar in revenue in a quasi-takings Bert Harris Act suit against the City of Miami. Secured reversal and summary adjudication on appeal on issue of first impression.

Counsel to largest roofing and waterproofing business in the world in select Florida litigation matters involving manufacturing and construction guarantees and warranties.

Counsel to private investment firm and its affiliates in the property and casualty insurance space suing managing general agent and former director and officer for fraud and breaches of fiduciary duty in connection with \$10 million insuring entity acquisition, regulatory approval, and \$100 million funding. Secured jurisdictional rulings affirmed on appeal and partial summary judgment leading to multi-million dollar settlement.

Counsel to subsidiary of national sugar marketing and sales company converting sugarcane bagasse by-product into consumer packaging and foodservice products in multi-million litigation and arbitration against contract and license counterparty supplying chemical technology and engineering, design and construction processes for client's production facility. Secured favorable settlement for client.

Counsel to national provider of sourcing, preparation and delivery of specialty/fresh food in multiple litigations, including successfully defending and asserting claims related to mismanagement at former subsidiary, successfully defending securities law and breach of contract claims made by former director, successful defense/settlement of multiple class action suits including under the ADA and state-level biometric data privacy statutes, and successfully defending claims brought by credit card services processor.

Counsel to national buyer/seller of medical diagnostic imaging equipment suing motor carriers and brokers under Carmack Amendment and in negligence for the destruction of MRI machine during transport. Secured first impression ruling on scope of Carmack claim leading to successful settlement.

Represents minority members and investors in marina, retail, and mixed use facility in Coconut Grove in contentious suit against controlling interests for breach of fiduciary obligations in scheme to divert and usurp corporate profits. Secured settlement and global resolution.

Counsel to master association managing mixed use hotel and commercial venture in a half-dozen lawsuits involving dissenting interest holders and condominium association over validity of governing documents and management of joint operations, securing several rounds of summary judgment, and affirmance by the Third District Court of Appeal, in favor of the clients.

Counsel to Indian multinational and US subsidiaries specializing in the manufacture and marketing of medical diagnostic

devices and instrumentation in successful defense of securities class action and fiduciary derivative suit asserting allegations of improper reporting and mismanagement. Secured dismissal with prejudice of securities suit and negotiated dismissal of derivative suit.

Florida counsel for Chipotle Mexican Grill in successful defense of class of putative class alleging FDUTPA violations, unjust enrichment and false advertising regarding elimination of genetically modified ingredients ("GMOs") from client's menu. The Eleventh Circuit affirmed the District Court's entry of summary judgment in favor of Chipotle, and denied rehearing.

Advise Florida municipality on legal considerations surrounding adaptation to the threat of sea level rise, on first amendment / free speech rights, and on election law issues.

Counsel to multinational law firm facing malpractice allegations connected to a billion-dollar Ponzi scheme.

Counsel to Thai multinational and US subsidiaries specializing in the manufacture and distribution of rubber and latex products in disputes involving control and misdirection of joint venture, corporate governance, royalties and distribution.

Counsel to Miami mixed-use hotel/condominium in insurance dispute arising from the negligence of design professionals and contractors.

Advise multinational energy development holding company in employee misconduct investigation.

Advise non-profit dedicated to supporting transformational journalism and media innovation in defending fair use of copyrighted material and assessing civil liability for funding the development of encrypted communications software and tools.

## **Representative Bankruptcy Experience**

Counsel to former member and director of credit card processing company fraudulently mismanaged by its CEO and controlling member. Secured settlement, bar order, and claims purchase from debtors and creditors committee. Successfully litigated and defended bar order on multiple appeals in multiple jurisdictions.

Special counsel to directors and officers of multi-million dollar oil and gas company facing \$600 million suit by unsecured creditors committee, appointed through Chapter 11 proceedings, for breach of fiduciary obligations in connection with two rounds of debt and equity financing prior to bankruptcy.

Counsel to insurer to directors and officers of nationwide cosmetic surgery company defending trustee claims of breach of fiduciary obligations and corporate malfeasance.

Part of team representing class of indirect purchasers in antitrust litigation against leading manufacturers and suppliers of liquid aluminum sulfate involving a price-fixing and market allocation conspiracy. Successfully secured rejection of attempt by certain defendants who had restructured through Chapter 11 to thereby escape antitrust liability

Counsel to multiple institutional creditors in pursuit of improperly desegregated commodity and security customer assets.

Counsel to equity committee of billion-dollar shipping company in time-compressed contested valuation and plan confirmation trial.

Counsel to a billion-dollar Sharia-compliant investment entity in its chapter 11 proceedings.

Counsel to a global investment management firm sued on fraudulent transfer theories related to a multi-million dollar Ponzi scheme.

Counsel to foreign banking institution with significant U.S. and U.K. issued debt in chapter 15 reorganization.

Counsel to a secured creditor in successful defense against subordination of secured claim and purchase of gaming industry assets through a section 363 sale.

Advised global accounting firm facing liability from litigation trust seeking standing to assert assigned creditor claims.

## Representative Transactional Experience

Advised national food holding company in bridge financing and acquisition of gourmet food e-commerce retailer and platform, related satisfaction of secured debt, and corporate matters related to operation of new entity.

Advised national food holding company in distressed asset acquisition from specialty provider through an assignment for the benefit of creditors and related merchant advance/receivables factoring transaction.

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## PROFESSIONAL & COMMUNITY INVOLVEMENT

City of Miami Beach, Sustainability & Resiliency Committee, Member

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## RECOGNITION

*Best Lawyers: Ones to Watch*, 2024-Present

Pro Bono Honor Roll, United States District & Bankruptcy Courts of the Southern District of Florida, 2016

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## PUBLICATIONS & PRESENTATIONS

**Publications:** [Sea Level Rise Adaptation: Funding Sources](#)

The Environmental and Land Use Law Section of the Florida Bar Reporter | August 2017

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## NEWSROOM

**In the Media:** [Calle Ocho Restaurants Allege City of Miami Shut Them Down With Intimidation: Stearns Weaver Repping Plaintiffs](#)

Daily Business Review | | October 2021

**In the Media:** [Waterfront condo project in Miami-Dade targeted in \\$8.6M foreclosure lawsuit](#)

South Florida Business Journal | | February 2020

**In the Media:** [Miami investor agrees to pay \\$2.6M to settle claim](#)

South Florida Business Journal | | January 2020

**In the Media:** [Apeiron at The Jockey Club partners fight over failed \\$20M deal: lawsuit](#)

The Real Deal | | January 2020

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**In the Media: [Miami's Watson Island Flagstone Project Wins on Appeal](#)**

Daily Business Review || July 2019

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**In the Media: [Miami Residents Can't Revive Suit Against \\$400M City Project](#)**

Law360 || July 2019

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**In the Media: [Miami Strikes \\$20M Damages Deal Over \\$400M Eviction Effort](#)**

Law360 || May 2019

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**Firm Announcements: [Stearns Weaver Miller Names Three New Shareholders](#)**

Miami || September 2018

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**In the Media: [Watson Island Developer Wins Case Against Miami, Plans to Seek Damages](#)**

Daily Business Review || March 2018

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**In the Media: [Developer Beats City Of Miami In Suit Over \\$400M Project](#)**

Law360 || March 2018

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**In the Media: [11th Circ. Won't Rethink Toss of Chipotle Patron's GMO Suit](#)**

Law360 || November 2017

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## EDUCATION

J.D., Columbia University School of Law, 2011

LLM., University of Amsterdam Law School, 2011

Ph.D., Georgetown University, Graduate School of Arts and Sciences, ABD-2011

M.A., New York University, Graduate School of Arts and Sciences, 2005

B.A., *summa cum laude*, Yeshiva University, Yeshiva College, 2004

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## ADMISSIONS

Florida

New York

United States District Courts for the Southern and Middle Districts of Florida

United States District Court for Southern District of New York

United States Court of Appeals for the Eleventh Circuit