STEARNS WEAVER MILLER

Andrew L. Rodman



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PRACTICE AREAS

Labor & Employment
Litigation & Dispute Resolution
Banking & Financial Institutions
Hospitality & Leisure
Life Sciences
Arts, Sports & Culture

OVERVIEW

Andrew Rodman is a Shareholder in the Firm's Labor & Employment Law Department and a member of the Firm's Board of Directors. Andrew's labor & employment law practice encompasses both counseling and litigation on behalf of employers.

On the counseling side, Andrew takes pride in developing working partnerships with his clients to analyze problems and implement practical solutions to the broad range of issues that executives and Human Resource professionals regularly encounter. Those issues include the hiring process, background screening and Fair Credit Reporting Act compliance, drug testing and Drug-Free Workplace issues, compliance with federal, state and local EEO laws, discipline, termination, reduction in force, workplace safety, conducting internal investigations and audits, drafting personnel policies, drafting severance and release agreements, drafting employment contracts, independent contractor agreements and non-compete agreements, managing leave-related issues under the FMLA, ADA and USERRA, wage and hour compliance, and protecting confidential and proprietary information.

On the litigation side, Andrew defends clients before administrative agencies (such as the EEOC and Florida Commission on Human Relations, and U.S. Department of Labor), federal and state courts, and arbitration panels against claims of employment and housing discrimination, harassment, retaliation and whistleblower retaliation, unpaid wages (including overtime, minimum wage, and commissions), OSHA compliance, defamation, and family, medical and military leave. Andrew has litigated claims under Title VII, ADA, ADEA, FMLA, FLSA, USERRA, OSHA, Sections 1981 and 1983, the Fair Housing Act, and their state and local counterparts.

Andrew also represents clients in non-compete, trade secret, and employment contract litigation.

Andrew conducts management training and internal audits for clients as preventative measures aimed at avoiding internal complaints, administrative

investigations, and costly litigation.

Andrew is a co-editor of the Florida Employment Law Letter (a BLR publication) and a regular contributor to the Firm's labor and employment law blog, BeLabor the Point. He served a 3-year term on the Florida Bar Grievance Committee (2016 Chair), and he served as Legislative Director on the Board of the Greater Miami Society for Human Resource Management.

Before joining the Firm, Andrew worked in the New Haven/Hartford, Connecticut firm Siegel, O'Connor, Schiff & Zangari (1996-1998), and in the Boston, Massachusetts firm Stoneman Chandler & Miller (1998-2000). At each of those firms, Andrew represented management in labor and employment law.

REPRESENTATIVE EXPERIENCE

Delva v. The Continental Group, Inc., 137 So. 3d 371 (Fla. 2014) – represented The Continental Group in defense of sex and pregnancy discrimination claims, and argued the case before Florida's Third District Court of Appeal and the Florida Supreme Court.

Florida's Fourth District Court of Appeal affirmed jury verdict entered for international banking institution on national origin discrimination claims.

Represented golf courses and country clubs in defense of individual and collective action overtime claims, negotiation of employment and separation agreements, and defense of discrimination, harassment, and retaliation litigation.

Obtained summary judgment on behalf of retail grocery chain on race and national origin discrimination claims.

Obtained summary judgment in federal court on behalf of national banking institution on Family and Medical Leave Act claims.

Obtained summary judgment on behalf of local banking institution on race, color, and national origin discrimination claims.

Represented cruise line in collective action overtime litigation involving more than 70 opt-in plaintiffs.

Obtained summary judgment on behalf of local banking institution on whistleblower retaliation claim.

Obtained dismissal, following 3-day evidentiary hearing, of race and age discrimination claims asserted against property management company.

Obtained dismissal of race and age discrimination claims asserted against national banking institution.

Represented timeshare company in collective action overtime litigation involving in excess of 700 opt-in plaintiffs.

Florida's Fourth District Court of Appeal affirmed summary judgment for retail grocery chain on sexual harassment claim.

Obtained summary judgment in federal court on behalf of medical billing review company on claims of sexual harassment, intentional infliction of emotional distress, negligent supervision, and negligent retention.

Co-Editor, Southeast Employment Law Letter, January 2020-Present

Co-Editor, Florida Employment Law Letter, February 2014-Present

RECOGNITION

Benchmark Litigation, Labor & Employment Star, 2018-2022

Employers Counsel Network, Best Column ("Ask Andy" - Florida Employment Law Letter), 2015

AV Rated by Martindale-Hubbell

PUBLICATIONS & PRESENTATIONS

Publications: Co-Editor, Southeast Employment Law Letter

Southeast Employment Law Letter | May 2024

Publications: Co-Editor, Southeast Employment Law Letter

Southeast Employment Law Letter | February 2024

Publications: Co-Editor, Southeast Employment Law Letter

Southeast Employment Law Letter | January 2024

Publications: Co-Editor, Southeast Employment Law Letter

Southeast Employment Law Letter | December 2023

Publications: Co-Editor, Southeast Employment Law Letter

Southeast Employment Law Letter | October 2023

Publications: Co-Editor, Southeast Employment Law Letter

Southeast Employment Law Letter | September 2023

Publications: Co-Editor, Southeast Employment Law Letter

Southeast Employment Law Letter | August 2023

Publications: Co-Editor, Southeast Employment Law Letter

Southeast Employment Law Letter | July 2023

Publications: Co-Editor, Southeast Employment Law Letter

Southeast Employment Law Letter | February 2023

Publications: Co-Editor, Southeast Employment Law Letter

Southeast Employment Law Letter | January 2023

Events: I Thought They Were Exempt From Overtime

Stearns Weaver Miller's 2022 Annual Miami Labor & Employment Law Seminar | | October 2022

Publications: Co-Editor, Southeast Employment Law Letter

Southeast Employment Law Letter | October 2022

Publications: Co-Editor, Southeast Employment Law Letter

Southeast Employment Law Letter | September 2022

Publications: Co-Editor, Southeast Employment Law Letter

August 2022

Publications: Co-Editor, Southeast Employment Law Letter

| July 2022

Publications: Co-Editor, Southeast Employment Law Letter

June 2022

Publications: Co-Editor, Southeast Employment Law Letter

| January 2022

Publications: Co-Editor, Southeast Employment Law Letter

December 2021

Publications: Florida's New Anti-Vaccine Mandate Law

BeLabor the Point Blog | November 2021

Publications: Co-Editor, Southeast Employment Law Letter

| July 2021

Events: Breaking Through the Noise: Labor & Employment Issues Post-Pandemic

Stearns Weaver Miller News Program Special | | June 2021

Publications: Co-Editor, Southeast Employment Law Letter

| December 2020

Publications: Co-Editor, Southeast Employment Law Letter

October 2020

Publications: Co-Editor, Southeast Employment Law Letter

| September 2020

Publications: Co-Editor, Southeast Employment Law Letter

| July 2020

Publications: Top Takeaways from Our Back to Work Virtual Chat

BeLabor the Point Blog | June 2020

Events: Back to Work Virtual Chat

Stearns Weaver Miller Webinar | | June 2020

COVID News Update, Labor & Employment News Update, Publications: DOL Issues New FFCRA Poster and Further Guidance

BeLabor The Point Blog | March 2020

COVID News Update, Labor & Employment News Update, Publications: Federal Paid Leave Law Signed by President Trump

BeLabor The Point Blog | March 2020

Publications: Co-Editor, Southeast Employment Law Letter

| January 2020

Publications: Co-Editor, Florida Employment Law Letter

| December 2019

Publications: Co-Editor, Florida Employment Law Letter

| November 2019

Publications: 'No, You Must Take FMLA Leave,' Says the DOL (Again)

Florida Employment Law Letter | October 2019

Publications: Co-Editor, Florida Employment Law Letter

| September 2019

Publications: An HR takeaway from USWNT's latest World Cup victory

Florida Employment Law Letter | August 2019

Publications: Is 'No Comment' Still the Best Policy for Job References?

Florida Employment Law Letter | July 2019

Publications: Co-Editor, Florida Employment Law Letter

| June 2019

Publications: How to Implement Drug-Free Workplace Program in Florida

Florida Employment Law Letter | May 2019

Events: Are You Sherlock Holmes or Inspector Clouseau? – Conducting Workplace Investigations

Stearns Weaver Miller's 29th Annual Labor and Employment Law Seminar | | May 2019

Events: Are You Sherlock Holmes or Inspector Clouseau? -Conducting Workplace Investigations

Stearns Weaver Miller's Annual Tampa Labor and Employment Law Seminar | | May 2019

Publications: Co-Editor, Florida Employment Law Letter

| April 2019

Publications: Co-Editor, Florida Employment Law Letter

| March 2019

Publications: Brackets, Buzzer-Beaters and . . . Criminal Liability?

Florida Employment Law Letter | February 2019

Publications: Gambling at Work: Everybody Out of the (Office) Pool

Daily Business Review | January 2019

Publications: Adhere to the Scout Motto: 'Be Prepared' (During Interviews)

Florida Employment Law Letter | January 2019

Events: "Why Does the FMLA Make Your Head Explode? Top 10 Most Common Employer Mistakes"

Brightline Training Seminar | | January 2019

Publications: Weighing the Options: 2 Ways to Calculate Overtime for Dual-job Employees

Florida Employment Law Letter | December 2018

Publications: Telling an Employee to Stop Working from Home

Florida Employment Law Letter | November 2018

Publications: Revisiting the FLSA Travel Time Rules

Florida Employment Law Letter | October 2018

Publications: Co-Editor, Florida Employment Law Letter

| September 2018

Publications: Obligations, Limits of Intermittent, Reduced Schedule FMLA Leave

Florida Employment Law Letter | August 2018

Publications: A Return-to-Work FMLA Refresher

Florida Employment Law Letter | July 2018

Publications: Co-Editor, Florida Employment Law Letter

| June 2018

Publications: Co-Editor, Florida Employment Law Letter

| May 2018

Events: LQBTQ: The Issues, the Law, the Reality, and the Decisions Florida Employers Must Make

Stearns Weaver Miller's 28th Annual Labor and Employment Law Seminar | | April 2018

Publications: Guns at Work: A Refresher in the Wake of Horror

Florida Employment Law Letter | April 2018

Publications: Assessing Employee FMLA Eligibility

Florida Employment Law Letter | March 2018

Publications: Effective Training Can Help Prevent Harassment and Discrimination

South Florida Legal Guide | March 2018

Publications: Co-Editor, Florida Employment Law Letter

| February 2018

Events: Advanced Skills for Employee Leave Management

2018 FMLA Master Class: Florida | | February 2018

Publications: Does Sexual Harassment Training Work?

BeLabor The Point Blog | January 2018

Publications: Does Sexual Harassment Training Work?

Florida Employment Law Letter | January 2018

Publications: Rethinking the Harassment Complaint Model

Daily Business Review | December 2017

Publications: Rethinking The Harssment Complaint Model

Florida Employment Law Letter | December 2017

Publications: Spoiler Alert: Court Plunges Dagger In Heart Of Obama-Era Overtime Regulations, Setting Stage For Possible Season 2 Resurrection

Dade County Bar Association Bulletin | November 2017

Publications: Best Practices for Separation Agreements

Florida Employment Law Letter | November 2017

Publications: Unlimited Vacation Policies: A Curse or A Blessing?

Florida Employment Law Letter | October 2017

Publications: Spoiler Alert: Court Plunges Dagger In Heart Of Obama-Era Overtime Regs, Setting Stage For Season

II Fireworks

BeLabor The Point Blog | September 2017

Publications: Did Florida Appellate Court Just 'Dis' an Arbitration Agreement?

Florida Employment Law Letter | September 2017

Publications: EEOC Sues to Give Fathers the Same "Maternity" Leave as Mothers

BeLabor The Point Blog | August 2017

Publications: "Like" or "Dislike" - Did Zuckerberg Overlook Facebook's Paternity Leave Policy?

BeLabor The Point Blog | August 2017

Publications: Did A Florida Appellate Court Just "Dis" An Employment Agreement's Arbitration Provision?

BeLabor The Point Blog | August 2017

Publications: Co-Editor, Florida Employment Law Letter

| August 2017

Publications: The Interplay Between FMLA Leave and Domestic Violence Leave

Florida Employment Law Letter | July 2017

Publications: 21st Century Hiring: The Times They Are A-Changin'

Florida Employment Law Letter | June 2017

Events: Analyzing the Analytics, Artificial Intelligence & Algorithms of the 21st Century Workplace

Stearns Weaver Miller's 27th Annual Labor and Employment Law Seminar | | May 2017

Publications: Another Attempt To Pass Private Sector Comp-Time Legislation

BeLabor The Point Blog | May 2017

Publications: Co-Editor, Florida Employment Law Letter

| May 2017

Publications: Internal Investigations: Duty to Investigate and Confidentiality

Florida Employment Law Letter | April 2017

Publications: Calculating FMLA Leave Exhaustion for Reduced-Schedule Leave

Florida Employment Law Letter | March 2017

Events: Advanced Skills for Employee Leave Management

2017 FMLA Master Class: Florida | February 2017

Publications: Supreme Court Will Settle the Score on Class Action Waivers

Florida Employment Law Letter | February 2017

Publications: Class Action Waivers: Will The Supreme Court Successfully Realign the Litigation Galaxy?

BeLabor The Point Blog | January 2017

Publications: Co-Editor, Florida Employment Law Letter

| January 2017

Publications: Co-Editor, Florida Employment Law Letter

| December 2016

Publications: Paying Nonexempt Employees By the Day or the Job

Florida Employment Law Letter | November 2016

Publications: Dreaded Ultimatum: Cut Your Hair or Get Out of Here!

Florida Employment Law Letter | October 2016

Events: Employment Law Review

The Rural Broadband Association 2016 Legal Seminar | October 2016

Events: Florida Advanced Skills for Wage and Hour Compliance

2016 FLSA Master Class | October 2016

Publications: Words Matter: Preparing for a Reduction in Force

BeLabor The Point Blog | September 2016

Publications: Time to Revisit Your Standard Separation Agreement?

Florida Employment Law Letter | September 2016

Publications: When Your Top Performer Refuses to Sign a Noncompete

Florida Employment Law Letter | July 2016

Publications: Is it Discrimination If My Actions Are Well-Intentioned?

Florida Employment Law Letter | June 2016

Events: Going Into Labor: Pregnancy & Workplace Complications

Stearns Weaver Miller's 26th Annual Labor and Employment Law Seminar | | May 2016

Publications: Employment Agreements and At-Will Employees Can Go Together

Florida Employment Law Letter | May 2016

Publications: Sexual Harassment Training for Congress: Necessary or a "Really Dumb Idea"?

BeLabor the Point Blog | April 2016

Publications: Don't Forget to Check FMLA Eligibility

Florida Employment Law Letter | April 2016

Events: 2016 FMLA Master Class: Florida - Advanced Skills for Employee Leave Management Seminar

Hilton Miami Downtown | | March 2016

Publications: You Can't Sue Me . . . I Sued You! Liability for HR Employees

Florida Employment Law Letter | March 2016

Publications: 2-4-6-8 Minimum Wage is Not So Great: NFL Cheerleaders Fight Back

BeLabor the Point Blog | February 2016

Publications: Navigating the FLSA's 'On-Call' Rules

Florida Employment Law Letter | February 2016

Publications: Working During FMLA Leave

Florida Employment Law Letter | January 2016

Events: New FMLA Developments

2015 Greater Miami Society for Human Resource Management GMSHRM Legal Update | | December 2015

Publications: Go Directly to Jail: Individual Liability for Overtime Violations

Florida Employment Law Letter | December 2015

Publications: Is a 'Paid Leave' on the Horizon in Florida?

Florida Employment Law Letter | November 2015

Publications: Is "Paid Leave" on Florida's Horizon?

BeLabor the Point Blog | October 2015

Publications: When is a 'Trainee' Really an Employee Entitled to Pay?

Florida Employment Law Letter | October 2015

Publications: Are unmarried parents entitled to FMLA Leave?

Florida Employment Law Letter | October 2015

Publications: Breastfeeding and depositions and politicians . . . oh my!

Florida Employment Law Letter | September 2015

Publications: Breast Pumps, Depositions, and Politicians

BeLabor the Point Blog | August 2015

Publications: Expanding Title VII: Who Needs Congress When We Have the EEOC?

Florida Employment Law Letter | August 2015

Publications: Who Needs Congress When We Have the EEOC?

BeLabor the Point Blog | July 2015

Publications: Shhh. Be Vewy, Vewy Quiet: Elmer J. Fudd Takes On The NLRB

BeLabor the Point Blog | July 2015

Publications: Co-Editor, Florida Employment Law Letter

| July 2015

Publications: OMG! Your Policy Says What?

BeLabor the Point Blog | June 2015

Publications: Referral Bonuses, Diversity, and Disparate Impact Liability

Florida Employment Law Letter | June 2015

Publications: A Picture May Be Worth a Thousand Words (or Thousands of Dollars)

Florida Employment Law Letter | June 2015

Events: The Six Pre-Employment Issues Most Likely to Bite You in the Backside

Stearns Weaver Miller's 25th Annual Labor & Employment Law Seminar | | May 2015

Publications: Title VII Protection for Transgender Employees

Florida Employment Law Letter | May 2015

Publications: Proving Emotional Harm: Using One's "Head"

BeLabor the Point Blog | April 2015

Publications: Common ¢ent\$, Glass Ceilings, and a 9-Year Old Girl

BeLabor the Point Blog | April 2015

Publications: Moonlighting During FMLA Leave

Florida Employment Law Letter | April 2015

Publications: Sign Here or Go Home - You Have 5 Minutes

Florida Employment Law Letter | April 2015

Events: Overcome Compliance and Employee Leave Challenges

2015 FMLA Master Class for Florida Employers | March 2015

Publications: Same-Sex FMLA Coverage: Where You Were Married, Not Where You Live

BeLabor the Point Blog | March 2015

Publications: FMLA Eligibility Pitfalls: 'You Worked Here When?'

Florida Employment Law Letter | March 2015

Publications: 6 Words That Cost an NBA Star \$25,000

BeLabor the Point Blog | February 2015

Publications: 11th Circuit Rejects Employer's 'Blame the Employee' Defense to Overtime Claim

Florida Employment Law Letter | February 2015

Publications: The Retroactive FMLA Designation Dilemma

Florida Employment Law Letter | January 2015

Publications: FMLA Reinstatement Rights for 'Key' Employees

Florida Employment Law Letter | November 2014

Publications: An EGGcellent Employee Benefit or a Degrading Message?

BeLabor the Point Blog | October 2014

Publications: The NFL's Off-The-Field Woes Prompt Refresher on Employees' Domestic Leave Rights

BeLabor the Point Blog | September 2014

Publications: After Ray Rice Scandal, A Timely Review of Employee Domestic-Violence Leave

Daily Business Review | September 2014

Publications: Religion in the Workplace: Ignorance May Be Your Savior

BeLabor the Point Blog | August 2014

Publications: Administration of FMLA Leave Starts With a Well-Written Policy

Florida Employment Law Letter | August 2014

Publications: Bathroom Breaks & Decreased Productivity #HoldltIn2WinAPrize

BeLabor the Point Blog | July 2014

Publications: Is it Reasonable to Accommodate the Fear of Rush Hour Traffic?

BeLabor the Point Blog | July 2014

Publications: The Wage & Hour Battle Rages On

BeLabor the Point Blog | June 2014

Publications: Effective Use of Non-Compete Agreements

BeLabor the Point Blog | June 2014

Publications: The Unpaid Internship: A Trap for the Unwary Employer

Daily Business Review | June 2014

Publications: Social Media: A Blessing & A Curse for Employers

BeLabor the Point Blog | June 2014

Publications: Avoiding Reverse Disability Discrimination Claims

Florida Employment Law Letter | June 2014

Publications: A Little HR Humor: Employee Tardiness

BeLabor the Point Blog | May 2014

Publications: By The Numbers: How Working Moms & Dads Compare in Salary and Job Satisfaction

BeLabor the Point Blog | May 2014

Publications: Plight of the Long-Term Unemployed

Daily Business Review | May 2014

Publications: Hey, NBA Commissioner Silver, Way to Flex Your HR Muscle

BeLabor the Point Blog | May 2014

Publications: 11th Circuit Clarifies Scope of Nonwaivable FMLA rights

Florida Employment Law Letter | May 2014

Events: Whiners or Winners? Whistleblowers Who "Tee Off" on Employers

Stearns Weaver Miller's 24th Annual Labor and Employment Law Seminar | | May 2014

Publications: Pay to Quit Policies: "Go on, Take the Money And Run"

BeLabor the Point Blog | April 2014

Publications: Jail Staffer's Response to Complaints Aids & Abets Sexual Harassment

BeLabor the Point Blog | April 2014

Publications: RAGE, Stigma, and... Paternity Leave

BeLabor the Point Blog | April 2014

Publications: Kids Say the Darnedest Things: Daughter Mouths Off About Dad's Settlement

Florida Employment Law Letter | April 2014

Events: Overcoming Compliance and Employee Leave Challenges

2014 FMLA Master Class for Florida Employers | | March 2014

Publications: Balancing Attendance Requirements and Accommodation Obligations

Florida Employment Law Letter | March 2014

Publications: FMLA Policy Translation

Florida Employment Law Letter | February 2014

Publications: Co-Editor, Florida Employment Law Letter

| January 2014

Events: Sound (And Unsound) Hiring Practices: Don't Stumble Right Out Of The Gate

2013 Greater Miami Society for Human Resource Management GMSHRM Legal Update | | September 2013

Events: The Wage and Hour Virus: Has Your Workplace Been Vaccinated?

Stearns Weaver Miller's 23rd Annual Labor and Employment Law Seminar | | May 2013

Publications: Florida Employment Law Manual

Florida Chamber of Commerce | January 2013

Events: The Year In Review

2012 Greater Miami Society for Human Resource Management GMSHRM Legal Update | | September 2012

Events: The Two Minute Drill: How to Conduct Employee Investigations

Stearns Weaver Miller's 22nd Annual Labor and Employment Law Seminar | | May 2012

Events: 2011 Greater Miami Society for Human Resource Management GMSHRM Legal Update

Miami | | September 2011

Events: Revenge of the FLSA: Top 10 Things Employers Do That Get Them Sued

Stearns Weaver Miller's 21st Annual Labor & Employment Law Seminar | | May 2011

Events: 2010 Update: What's New?

2010 Greater Miami Society for Human Resource Management GMSHRM Legal Update | | September 2010

Publications: DOL Issues Guidance Regarding Break Time for Nursing Mothers

Labor & Employment | July 2010

Events: Tight Fitting Genes

Stearns Weaver Miller's 19th Annual Labor and Employment Law Seminar | May 2009

Events: Are You Ready for the Changes to the FMLA and ADA

Stearns Weaver Miller Labor & Employment Breakfast Series | | January 2009

Events: Employment Law Speed Dating

Stearns Weaver Miller's 18th Annual Labor & Employment Law Seminar | | May 2008

Events: The Collective Action Lawsuit - What It Is And How To Prevent It

| December 1993

Events: Wages Are Now A Class Act: New Trends In FLSA Litigation

| December 1993

Events: Incoming Wage & Hour Lawsuits – Are You A Target?

| December 1993

Events: What's New in Employment Law and Healthcare Reform?

| December 1993

Events: Occupational Safety Health Act: Newsflash - OSHA Is Not Dead

| December 1993

Events: Americans with Disabilities Act Amendments of 2008

| December 1993

NEWSROOM

In the Media: Hear from Marlins, Fisher Island and EEOC leaders about post-COVID labor issues

Miami Herald | | June 2021

In the Media: Reductions-in-force: 6 ways to reduce legal exposure

What's Working In Human Resources | | November 2016

Firm Announcements: Stearns Weaver Miller Presents 26th Annual Labor & Employment Law Seminar

| March 2016

In the Media: Exploring how top management can get the most out of HR

HR Hero | | July 2015

Firm Announcements: Stearns Weaver Miller Presents 25th Annual Labor & Employment Law Seminar

| April 2015

In the Media: FMLA leave and reinstatement: How to handle 'key employees'

HR Hero | | January 2015

In the Media: Bloggers: Your Audience Wants Real-time Conversation

Leadership Close Up Blog | | July 2014

In the Media: The Unpaid Internship: A Trap For The Unwary Employer

Daily Business Review | | June 2014

Firm Announcements: Stearns Weaver Miller Presents 24th Annual Labor and Employment Law Seminar

| April 2014

Firm Announcements: Three Stearns Weaver Miller Attorneys Appointed to Board of Directors

October 2011

EDUCATION

J.D., cum laude, Boston University School of Law, 1996

B.A., magna cum laude, Brandeis University, 1993

ADMISSIONS

Florida

Massachusetts

Connecticut

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

United States District Court for the District of Massachusetts

United States Court of Appeals for the Eleventh Circuit

The Supreme Court of the United States