

## Joseph J. Onorati



Shareholder

Miami Office

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### PRACTICE AREAS

Litigation & Dispute Resolution

Antitrust, Competition &

Consumer Protection

Appellate

### OVERVIEW

Joseph Onorati is a Shareholder in the Litigation Department. He also has experience representing local and national clients in complex commercial litigation cases in state and federal courts.

Prior to joining the Firm, Joseph worked as an intern for the Honorable John Schlesinger of the Circuit Court for the 11th Judicial Circuit, Miami-Dade County, Florida. He also worked as a case clerk for a national law firm.

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## REPRESENTATIVE EXPERIENCE

Represented the national vacation ownership company and title company as defendants in a class action removed to the United States District Court for the Western District of Missouri alleging the unauthorized practice of law, which sought damages of over \$20 million. On every claim asserted, the District Court granted defendants' motion for summary judgment.

Represented national vacation ownership company as defendant in United States District Court for the Southern District of New York, where over 100 owners at The Manhattan Club had asserted various claims and touted damages of over \$100 million. The district court dismissed the single federal claim with prejudice and declined to exercise supplemental jurisdiction over the remaining claims.

Represented the vacation ownership company Bluegreen Vacations Unlimited, Inc. defending against a proposed class action filed in the United States District Court for the Southern District of Florida asserting claims under the Telephone Consumer Protection Act and seeking damages of over \$420 million. The district court denied class certification, and the Eleventh Circuit affirmed.

Represented national vacation ownership company defending against a proposed class action filed in the United States

District Court for the Southern District of Florida asserting claims under the Military Lending Act and seeking to rescind vacation ownership contracts entered into nationwide over at least the prior two years. After extensive discovery, the District Court affirmed the Magistrate's Report and Recommendation finding that the plaintiffs lacked Article III standing and dismissing the case. The Eleventh Circuit affirmed the dismissal.

Represented Bluegreen as plaintiff in Florida Circuit Court challenging a condominium board's refusal to hold free and fair owner elections for the condominium's board of directors. After years of litigation and discovery, the Circuit Court entered summary judgment and an injunction ordering a free and fair owner election. The Fifth District Court of Appeal affirmed that summary judgment order for Bluegreen.

Part of the litigation team that achieved a \$100 million settlement on behalf of a Class consisting of 179 real estate investors. The settlement resolved claims that one of the largest commercial real estate firms in the world, and one of its employees, concealed and failed to alert our clients to an on-going multi-million dollar embezzlement scheme.

Represented Bluegreen defending against a proposed class action in the United States District Court for the Eastern District of Wisconsin alleging violations of the Wisconsin Timeshare Act and seeking to rescind about half of the vacation ownership contracts entered into in Wisconsin over about five years. The district court denied class certification.

Represented Bluegreen defending against a proposed class action in the United States District Court for the Southern District of Florida alleging claims of fraud and deceptive practices over the prior four years in selling well over \$1 billion in vacation ownership interests to purchasers nationwide. After filing a motion to dismiss on behalf of Bluegreen, the district court dismissed three of the four claims with prejudice. After the close of fact discovery and the completion of briefing on the plaintiffs' motion for class certification, plaintiffs withdrew their motion for class certification, abandoning the argument that Bluegreen's policies and procedures were fraudulent or deceptive, and took the position that doing so eliminated subject matter jurisdiction under the Class Action Fairness Act. After considering Eleventh Circuit precedent requiring dismissal for lack of subject matter jurisdiction if the case never should have been brought as a class action in the first place, the district court then dismissed the case for lack of subject matter jurisdiction. After the individual plaintiffs sued in Florida Circuit Court, that Court entered summary judgment for Bluegreen.

Represented Miami metropolitan business in defending against proposed class action in Florida Circuit Court. Plaintiff alleged that he and members of a proposed class spanning over five years were overcharged in violation of Florida statutes and also asserted a cause of action for unjust enrichment. After discovery, briefing, and argument, the Florida Circuit Court denied class certification and struck the class allegations in the operative complaint. The individual claims were then dismissed.

Represented the vacation ownership company Bluegreen in putative class action brought in federal court under the Telephone Consumer Protection Act. After filing a motion to dismiss on behalf of Bluegreen, the named plaintiff voluntarily dismissed his claims with prejudice.

Member of defense team that represented a Florida-based bank in several simultaneous civil suits in federal and state court with respect to the bank's alleged involvement in a \$1.2 billion Ponzi scheme. Each of the cases ultimately settled upon favorable terms.

Member of litigation team that represented a community development corporation with respect to dissenting shareholders' statutory appraisal rights resulting from a merger.

Representation of sponsor of a professional tennis tournament seeking to renovate existing facilities and tournament operations. Representation included litigation regarding accuracy requirements of ballot referendum and use of public park for proposed renovations.

Represented nine plaintiffs in challenging a federal settlement agreement between a developer and the City of Miami that would have permitted the development of a proposed gambling facility in Miami's Edgewater Neighborhood. On summary judgment, the Miami-Dade Circuit Court Judge ruled that the Mayor had validly vetoed the proposed federal settlement and invalidated the settlement. The Circuit Judge has entered final judgment.

Successfully represented a pro bono client who had been tricked into signing a quit claim deed giving up title to half of his house. After 3 years of contentious litigation, obtained summary judgment on claims of quiet title and breach of contract, recovering clear title to the client's home of more than 30 years.

Counsel to private bank and trust institution regarding compliance with regulatory requirements.

Representation of landlords and tenants in commercial lease disputes.

Representation of lenders for compliance with Truth in Lending Act and usury laws.

Representation of lenders in commercial foreclosure actions.

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## PROFESSIONAL & COMMUNITY INVOLVEMENT

Articles Selection Editor, *Florida State University Journal of Transnational Law & Policy*, 2010-2011

The Florida Bar

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## RECOGNITION

*Best Lawyers: Ones To Watch*, 2021-Present

*Florida Super Lawyers*, Rising Star, 2022-Present

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## PUBLICATIONS & PRESENTATIONS

**Land Development News Update, Publications: [Update: IRS Provides Guidance for Big Capital Gains Break](#)**

Stearns Weaver Miller News Update | October 2018

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## NEWSROOM

**In the Media: [Florida TCPA Class Cert. Denied Over 'Deceptive' Retiree](#)**

Law360 | | September 2021

**In the Media: [Timeshare Co. Can't Dodge TCPA Class Suit](#)**

Law360 | | July 2021

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

| November 2019

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**In the Media: [CBRE To Pay \\$100M To End Class Action By Realty Investors](#)**

Law360 | | August 2018

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**In the Media: [Cabot Investors Win Class Cert. In \\$157M Fraud Suit](#)**

Law360 | | March 2018

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**In the Media: [Going the Distance](#)**

The Florida Bar Journal | | March 2017

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## EDUCATION

J.D., with honors, Florida State University College of Law, 2011  
Dean's List

B.A., Emory University, 2007

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## ADMISSIONS

Florida

United States District Court for the Southern District of Florida

United States Court of Appeals for the Eleventh Circuit

United States District Court for the Eastern District of Wisconsin