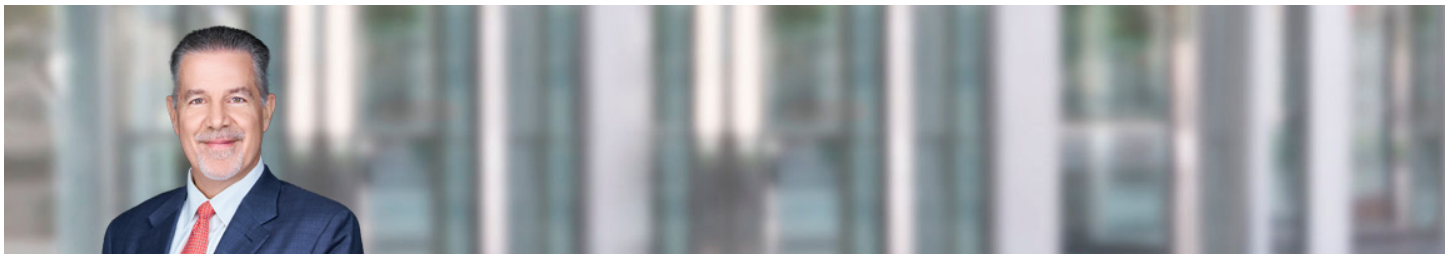


## Thomas G. Aubin



Shareholder

Fort Lauderdale Office

taubin@stearnsweaver.com

Phone: 954-462-9556

### PRACTICE AREAS

Professional Liability Defense

Healthcare

Litigation & Dispute Resolution

Product Liability

Appellate

Class Actions

Government & Administrative

### OVERVIEW

*"Tom's knowledge and experience in the field of medical malpractice is unmatched. He is client-oriented and results-driven."*

- *Chambers USA 2024*

Thomas G. Aubin, a shareholder and a member of the Firm's Board of Directors, is a trial lawyer in the Litigation Department. For 30 years, he has focused his practice on medical malpractice defense for healthcare institutions and practitioners, product liability defense, commercial litigation, and the defense of corporations in other commercial matters. Thomas also has extensive appellate experience.

### REPRESENTATIVE EXPERIENCE

Represented Cleveland Clinic Florida ("CCF") and Cleveland Clinic Hospital ("CCH") at trial in the United States District Court Southern District of Florida. The Plaintiff alleged that CCF, through its employed emergency medicine physician, and CCH, committed medical malpractice in failing to diagnose, treat, and admit the patient to the hospital for an abdominal infection thus leading to multiple surgeries and permanent scarring. The Plaintiff sought damages in excess of \$2,000,000. The trial lasted six days (with deliberations briefly spilling over to a seventh day). CCH's motion was granted for directed verdict at the close of our case in chief. The jury subsequently returned a verdict in favor of the remaining Defendant, CCF. The jury took less than three hours total to deliberate before finding the CCF's emergency room physician met the standard of care in all regards as it related to the Plaintiff's medical care.

Represented South Broward Hospital District in physician privilege dispute and obtained partial summary judgment at trial court level with subsequent written appellate opinion extending protection for hospitals in regards to confidentiality of credentialing and peer review materials from discovery. Opinion had statewide effect of benefiting hospitals and

institutional healthcare providers.

Represented Martin Memorial Healthcare Systems, Inc. in commercial dispute in which MMHS sought multi-million dollar claim for breach of contract and obtained summary judgment on all counts.

Representation of major healthcare institutions in Florida in all aspects of litigation, including professional liability, commercial liability, general liability, and licensing for physicians, nurses, pharmacists and other healthcare professionals.

Represented a publicly-traded holding company, BFC Financial Corporation, now BBX Capital Corporation, its subsidiaries, and certain officers and directors in a complaint seeking to challenge the merger of BFC and BBX valued at over \$250 million. The case was dismissed with prejudice because the Florida appraisal statute provided the exclusive remedy. The order has since been affirmed by Florida's Fourth District Court of Appeal.

Handled multiple managed-care lawsuits involving multi-million dollar counterclaims and fee disputes arising out of no-pay, slow-pay or incomplete-pay claims.

Representation of The Dow Chemical Company as statewide counsel for national mass-tort silicon breast-implant litigation. Coordinated discovery, filed and argued dispositive motions, attended regional and national counsel meetings, and appeared in state and federal courts.

Representation of Michelin North America in wrongful death and catastrophic injury cases involving tire defect claims in Miami-Dade, Broward, and Palm Beach counties.

Representation of drug manufacturer as Florida counsel in cases alleging defective drug and pharmaceutical products.

Obtained a defense verdict on behalf of a South Florida hospital and emergency room personnel in high-profile, multi-million dollar medical malpractice claim.

Obtained a defense verdict in month-long medical malpractice trial seeking more than \$10,000,000 in damages.

Obtained a defense verdict in a medical malpractice case in the United States District Court Southern District of Florida on behalf of an international healthcare company and its affiliated South Florida Clinic and Hospital in which the Plaintiff sought over \$2,000,000 in damages.

Represented Knauf companies, global producers of building materials and construction systems, in all Florida state court cases brought for damages arising out of alleged defects in the manufacture of drywall imported from China to the U.S. Served as Knauf's primary counsel for Broward County cases.

Defense of multi-million dollar commercial fraud dispute involving the purchase and sale of nationally-known companies.

Representation of business clients in litigations over employees' non-competition agreements.

Representation of national health food chain for general liability issues.

*Franklin v. Public Health Trust of Dade County*, 759 So.2d 703 (Fla. 3d DCA 2000) Amicus Curiae for the Florida College of Emergency Physicians.

*Holmes Regional Med. Ctr. Inc. v. Rose*, 721 So.2d 764 (Fla. 5th DCA 1998).

*Archbold Health Services, Inc. v. Future Tech Bus. Sys.*, 659 So.2d 1204 (Fla. 3d DCA 1995).

*Goodyear Tire & Rubber Co. v. McCrone*, 655 So.2d 1319 (Fla. 3d DCA 1995).

*Mitchell v. S. Broward Hosp. Dist.*, No. 4D18-2809 (Fla. 4th DCA Jan. 10, 2019).

## PROFESSIONAL & COMMUNITY INVOLVEMENT

Broward County Bench-Bar Subcommittee on Local Administrative Rules, Chair, 2010-2014

Broward County Bench-Bar Committee, 2010-2014

Florida Hospital Association

Broward County Bar Association, 1994-Present

Broward County Federal Bar Association  
Executive Committee, 2002 - 2012

Past Vice President

Broward County Bar Young Lawyers Division, 1994-2000

Defense Research Institute, 1994-2004

Harvard Club of Broward County, 1994-Present

Phi Delta Phi, 1993

Meritas, Firm Representative

Southern District of Florida Court Appointed Guardian *Ad Litem*

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## RECOGNITION

*Chambers USA*, Litigation: Medical Malpractice Defense (South Florida), Band 1, 2021-Present

The Best Lawyers in America®, 2014-Present

AV Rated by Martindale-Hubbell

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## PUBLICATIONS & PRESENTATIONS

**Government Affairs News Update, Publications:** [Rotunda Report Week 7 | February 19-23, 2024](#)

Stearns Weaver Miller News Update | February 2024

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**Events:** [Maximizing the Potential of the Adolescent Athlete](#)

Cleveland Clinic Florida in association with Florida Atlantic University and the United States Tennis Association || June 2009

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## NEWSROOM

**Firm Announcements:**

## **35 Stearns Weaver Miller Lawyers and 11 Practice Areas Ranked In Chambers USA 2024**

| June 2024

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## **Firm Announcements: 29 Stearns Weaver Miller Lawyers in 11 Practice Areas Ranked In Chambers USA 2023**

| June 2023

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## **Firm Announcements: 28 Stearns Weaver Miller Lawyers in 12 Practice Areas Ranked In Chambers USA 2022**

| June 2022

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## **In the Media: Suspended Florida Doc Can't Get Files From Hospital**

Law360 | | June 2021

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## **Firm Announcements: 29 Stearns Weaver Miller Lawyers in 12 Practice Areas Ranked In Chambers USA 2021**

| May 2021

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## **In the Media: Stearns Weaver Team Successfully Defends Cleveland Clinic in \$2M MedMal Suit**

Daily Business Review | | May 2019

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## **In the Media: Cleveland Clinic Defense Team Wins Malpractice Case**

Daily Business Review | | April 2015

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## **In the Media: Hidden Camera Shots, Expert Testimony Lead to Defense Win in Former Pilot's \$6.5M Med Mal Case**

Courtroom Connect | | April 2015

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## **Firm Announcements: Stearns Weaver Miller Congratulates Client Memorial Healthcare System on "Best Companies To Work For" 2014 Award**

| August 2014

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## **EDUCATION**

J.D., Nova Southeastern University Shepard Broad Law Center, 1994

American Jurisprudence Book Awards for Criminal Law and Procedure

B.A., with honors, Harvard University, 1988

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## **ADMISSIONS**

Florida

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

United States Court of Appeals for the Eleventh Circuit