

People



Dana Clayton

Partner, Litigation

Miami

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With comprehensive knowledge across all asset classes, Dana Clayton represents clients in real estate litigation in federal and state court. Her clients include Fortune 100 financial institutions, REITs, developers, retailers, and public and private real estate companies in disputes in financing, sales, dispositions, construction, breach of contract, development, landlord tenant, brokerage commission, eminent domain, and other matters.

Dana also represents national retailers in land use, environmental, and geotechnical litigation matters.

Notable Work

Prologis, L.P.: Represented Prologis in securing a favorable ruling on all claims, the full amount of its requested damages, and attorneys' fees and costs in an AAA arbitration involving a commercial lease dispute.

Gordon Food Service: Represented GFS in obtaining a bench trial judgment in favor of our client on all counts after a three-year commercial landlord-tenant dispute stemming from the landlord's refusal to consent to substantial exterior store improvements.

Jury Trial: Represented a multinational retail corporation in a breach of contract suit relating to the development of a commercial shopping center. Prevailed at trial.

International Developer: Represented an international developer in a lawsuit in which the Plaintiff alleged a series of claims aimed at attempting to block the closing of a \$16.5 million sale of a co-op building located in Bay Harbor Islands.

USAA: Represented the real estate investment arm of USAA in the \$136 million sale of two Miami office buildings (Datran Center I and II). Additionally, in 2015, our team represented USAA in the

Areas of Experience

Real Estate Litigation
Litigation
Construction Litigation and Dispute Resolution
Commercial Leasing and Development
Construction
Hospitality
Restaurant
Hospitality Dispute Resolution
Distressed Property
Lease Restructuring and Workouts
Commercial Lease Dispute Resolution and Litigation

Education

J.D., University of Miami School of Law, 1991, magna cum laude, Order of the Coif
B.A., University of Miami, 1987, cum laude

Admissions

Bars

Florida

Courts

U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Southern District of Florida

Related Content

Benchmark Litigation Recognizes 34 Akerman Lawyers in its 2025 Rankings of the Leading Litigators in the United States
October 17, 2024

34 Akerman Lawyers Recognized in Benchmark Litigation
October 03, 2023

112 Akerman Lawyers Across the U.S. Named to 2023 *Super Lawyers* and Rising Stars Lists

approximately \$120 million sale of The Alhambra, an office building project in Coral Gables.

September 28, 2023

National Retailer: Represented a national retailer in the dismissal of a highly-publicized putative nationwide class action alleging negligence and breach of warranty.

Landowner: Represented landowner of a multimillion dollar commercial property in Miami Beach. The defendant is a national franchisee who alleged that it had an interest in our client's real property as a result of renewal and purchase options.

Africa-Israel: Represented an international commercial developer who developed the second tallest building in downtown Miami. In these lawsuits, the purchasers have alleged violations of the Interstate Land Sales Full Disclosure Act, Florida's Deceptive and Unfair Trade Practices Act, and the Florida Condominium Act.

International Developer: Represented an international developer in a profit sharing dispute with the former mayor of a local town. The developer filed a lawsuit against the former mayor for breach of contract and misrepresentation.

Environmental and Geotechnical Litigation: Represented one of the largest retailers in a federal lawsuit involving claims for negligent environmental and geotechnical work arising from its purchase of a \$20 million property.

Fortune 100 Company: Represented one of the largest publicly traded companies with respect to their commercial real estate portfolio in Florida; handled dozens of lawsuits on behalf of this client, which cases involved lease disputes and claims arising from the use of commercial and mixed-use properties.

Specific Performance Litigation: Represented a national commercial developer in a specific performance case arising from the purchase of a \$100 plus million new mixed-use project in Miami; the specific performance claim was effectively clouding title to our client's property and preventing the owners from refinancing or selling the project.

National Retailer: Represented a national retailer in a multi-million dollar case involving the ownership of monitoring wells that were installed on the defendant's property as part of the retailer's due diligence.

Constructive Eviction and Breach of Contract Litigation: Represented a national real estate company against one of its largest anchor tenants in a lawsuit for constructive eviction and breach of contract arising from a \$100 million renovation of a Florida mixed-use project.

Published Work and Lectures

- Akerman Real Estate CLE Webcast, Presenter, "Commercial Lease Provisions in New York and Florida - Part 2," March 24, 2016
- Akerman Real Estate CLE Webcast, Presenter, "Commercial Lease Provisions in New York and Florida - Part 1," November 12, 2015
- Practical Law Company, Co-Author, "Real Estate Leasing: Florida," 2012

Affiliations

- The Florida Bar, Member

Honors and Distinctions

- *Best Lawyers*, 2010-2025, Listed in Florida for Litigation - Real Estate
- *Super Lawyers* Magazine, 2017-2023, Listed in Florida for Business Litigation
- *Benchmark Litigation*, 2018-2025, Listed in Florida as a “Local Litigation Star” for Real Estate