

People



## Carmen I. Tugender

Associate, Litigation

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Carmen Tugender's practice focuses on commercial litigation, construction, product liability, and appellate work. She has litigated diverse matters in state and federal court, the American Arbitration Association (AAA), and other arbitration tribunals. She is also a member of the Chinese Drywall Team.

### Notable Work

**Special Assessments:** Represented a country club in trial court and on appeal regarding a special assessment imposed on the country club for "security services" by a municipality, which sought to shift the burden of ad valorem taxation for police services to the country club. *Indian Creek Country Club v. Indian Creek Village*, 211 So. 3d 230 (Fla. 3d DCA 2017).

**Assumption of Liabilities:** Represented an asset purchaser in the trial court and on appeal on a claim that attempted to impose successor liability on the asset purchaser. *Heflin Business, Inc. v. Turbine Engine Center, Inc.*, 175 So. 3d 299 (Fla. 3d DCA 2015)

**Breach of Contract:** Represented automobile dealership in the trial court and on appeal on claims brought by another automobile dealer for breach of contract and specific performance based on a memorandum of understanding entered into by the parties involving the complex sale and purchase of an automobile dealership. *The Collection, LLC v. Warren Henry Automobiles, Inc.*, 13 So. 3d 537 (Fla. 3d DCA 2009)

**Chinese Drywall:** Represented builders and developers in state and federal court (multi-district litigation) related to claims of allegedly defective Chinese drywall.

**Contract Zoning Dispute:** Represented big box retailer in the state and federal courts regarding the denial of a site plan within the context of a contract zoning dispute. *Wal-Mart Stores East L.P. v. Town of Davie*, 977 So. 2d 636 (Fla. 4th DCA, 2008)

### Areas of Experience

Litigation  
Product Liability and Mass Torts  
Construction Litigation and Dispute Resolution  
Real Estate Litigation  
Construction

### Education

J.D., University of Miami School of Law, 1998, magna cum laude, Order of the Coif, *Entertainment and Sports Law Review*  
B.S., University of Florida, 1983

### Admissions

#### Bars

Florida  
New Jersey

#### Courts

U.S. District Court, Northern District of Florida  
U.S. District Court, Southern District of Florida

### Related Content

Record Number of Akerman Lawyers Named to *The Best Lawyers in America* 2024 Guide  
August 22, 2023

**Breach of Contract:** Represented large well known developer on various claims for breach of contract, contracts voidable under the Statute of Frauds and Interstate Land Sales Full Disclosure Act, specific performance, and for return of deposits brought by purchasers of homes and condominiums.

**Homeowner Disclosures:** Represented large well known developer on the interpretation of a state statute requiring certain disclosures which have to be given to homeowners acquiring homes in a subdivision subject to declarations of covenants, including the majority of new homes in most markets.

**Construction Litigation:** Represented owners, contractors, and subcontractors on claims of complex construction defect litigation, fraudulent construction liens, and breach of contract.

**Zoning:** Represented a large well known developer in action involving local zoning codes and variances brought by a neighboring homeowner.

**Government-in-the Sunshine Law:** Represented a city on a claim of violation of the Government-in-the Sunshine Law. *Bruckner v. City of Dania Beach*, 823 So. 2d 167 (Fla. 4th DCA 2002)

## Published Work and Lectures

- *Akerman Construction Law Practice Update*, Author, "What's Not in Most Industry Form Contracts But Should Be," Spring 2007
- *Daily Business Review*, Co-Author, "Large Construction Contracts Still Neglect Critical Issues," October 19, 2006
- *Florida Real Estate Journal*, Co-Author, "Consider Tools for Building a Construction Contract," October 2006

## Affiliations

- American Bar Association, Member
- Cuban-American Bar Association, Member
- Dade County Bar Association, Member
- The Florida Bar, Member
- Put Something Back, Volunteer Pro Bono Attorney
- Volunteer Lawyer's Project for the Southern District of Florida, Volunteer Pro Bono Attorney

## Honors and Distinctions

- *Best Lawyers*, 2023-2025, Listed in Florida for Commercial Litigation, Litigation - Construction, and Product Liability Litigation - Defendants as "One to Watch"

## Ranking Methodologies