

People



## Scott W. Rostock

Partner, Litigation

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Board Certified in Construction Law by The Florida Bar, Scott Rostock has more than a decade of litigation experience in state and federal courts and arbitration tribunals. Scott's practice is devoted to construction disputes, with particular emphasis on construction defects, Chapter 558 proceedings, and lien litigation on behalf of owners, developers, landlords, tenants, contractors, and subcontractors.

Scott's versatile experience also encompasses real estate litigation, business litigation, condominium association litigation, commercial landlord-tenant litigation, commercial mortgage foreclosures, business torts, and contract disputes.

### Notable Work

**Chapter 558 Multi-Party Construction Defects:** Represented owners, developers, landlords, and condominium associations in multi-party construction defect lawsuits and proceedings under Chapter 558, Florida Statutes.

**Unpaid Developer Fees:** Represented the developer of Celine Dion's residential compound in Jupiter, Florida in a lawsuit involving unpaid development fees and alleged design and construction defects.

**Eminent Domain Apportionment Claim:** Represented a national retail grocery chain in asserting a tenant apportionment claim to eminent domain proceeds after its parking was taken by the Florida Department of Transportation. Prevailed after a multi-day bench trial before the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida.

**Breach of Contract/Fraud by Mortgage Lender:** Represented a federal savings bank in a federal court lawsuit brought by a mortgage lender. The mortgage lender sought damages in excess of \$20 million, and the bank counterclaimed for damages in excess of

### Areas of Experience

Litigation  
Commercial Disputes  
Commercial Loan Enforcement and Secured  
Financing Litigation  
Construction  
Construction Litigation and Dispute Resolution  
Real Estate Litigation

### Education

J.D., Boston College Law School, 1999, cum laude  
B.A., Indiana University, 1996, Golden Key National  
Honour Society, Top 15% of Class

### Admissions

#### Bars

Florida  
Massachusetts

#### Courts

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

### Related Content

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August 22, 2023

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September 26, 2022

Record Number of Akerman Lawyers Across the United States Named to *The Best Lawyers in America* 2022 Guide  
August 19, 2021

\$7 million. A 7-day day jury trial was conducted in the United States District Court for the Southern District of Florida. The bank prevailed on all claims and was awarded all of its damages.

**Commercial Construction Defects:** Represented a national real estate advisor and manager in multiple construction defects and lien disputes involving commercial properties in South Florida.

**Residential Construction Defects:** Represented a national real estate investment company in construction defects and lien disputes in South Florida involving the renovation of distressed residential properties.

**Hotel Construction Defects:** Represented multiple hotel developers in Miami-Beach in lawsuits involving construction defects and lien disputes.

**Preparatory School Construction Defects:** Represented a private preparatory school in a construction defects dispute involving the general contractor and roofing subcontractor.

**Tenant Improvement Projects:** Represented the landlord of a warehouse and office space at Miami International Airport in multiple lawsuits involving lease disputes and alleged design and construction defects in the tenant build-out.

**Products Liability in Construction Projects:** Represented the manufacturer of home automated audio, video, automation, control, lighting control, and climate control products in a lawsuit involving alleged construction defects and products liability at a luxury residential project in Vero Beach.

**Design Defects:** Represented the general contractor of luxury residential projects in a lawsuit involving alleged design defects and mold infestation at a renovation project in Coral Gables.

**Chapter 558 Construction Defects:** Represented the developer of a luxury residential community in Jupiter, Florida in proceedings under Chapter 558, Florida Statutes, and in a lawsuit involving alleged construction defects.

**Retail Projects -- Lien and Contract Disputes:** Represented the general contractor of large retail projects throughout South Florida in multiple lien and contract disputes.

**Medical Device Fraud:** Represented the manufacturer of medical devices used for treating skin cancer in a lawsuit by a physician alleging fraud and misrepresentation in connection with the sale of a medical device.

**Breach of Loan Agreements:** Represented an investor/lender in a technology company in a lawsuit alleging breach of a series of loan agreements with the company.

**Breach of Contract and Fraud:** Represented a local professional sports team in a lawsuit alleging breach of contract and fraud involving a sporting event in South Florida.

**Email Fraud:** Represented a professional sports team in a lawsuit alleging fraud and misrepresentation in connection with an email marketing database.

**Hospital Breach of Contract:** Represented the owner of a community hospital in Barbados in a lawsuit against the owner representative/construction manager alleging breach of contract, negligence, conversion, and other unlawful conduct with respect to a renovation and modernization project at the hospital.

**Medical Device Breach of Contract:** Represented the manufacturer of robotic surgical devices in a multi-count federal court lawsuit alleging breach of contract, violation of Florida's Deceptive and Unfair Trade Practices Act, and fraud.

**Defamation:** Represented a British citizen in a defamation lawsuit filed by a Florida resident.

**Commercial Eviction:** Represented the owner/landlord of a multi-million dollar commercial property in Miami Beach in a commercial eviction action against a restaurant franchise tenant.

**Hospital Contract Disputes:** Represented a local hospital in multiple lawsuits involving contract disputes and alleged violations of state and federal debt collection laws and consumer protection laws.

**Condominium Purchase Disputes:** Represented condominium developers in a series of lawsuits by purchasers seeking to rescind their purchase contracts based upon alleged contract breaches, fraud, and violations of Florida's Deceptive and Unfair Trade Practices Act, the Interstate Land Sales Full Disclosure Act, and the Florida Condominium Act.

**Mortgage Foreclosures:** Represented national and local banks in contested mortgage foreclosure lawsuits throughout South Florida.

**Non-Competition and Non-Solicitation:** Represented employers in lawsuits seeking to enforce non-competition and non-solicitation agreements against former employees.

**Insurance Class Action Claims:** Represented an insurance company in a federal class action lawsuit seeking reimbursement for overhead and profit and taxes relating to hurricane-related insurance claims.

## Affiliations

- The Florida Bar, Member
- The Massachusetts Bar, Member
- American Bar Association, Member
- Broward County Bar Association, Member
- Dade County Bar Association, Member
- Miami Beach Bar Association, Member
- Boston Bar Association, Member
- Boston College Law School Alumni Miami Chapter, Vice President of Alumni Events
- Juvenile Diabetes Research Foundation, South Florida Chapter, Vice-President and President Elect
- Guardian Ad Litem Program, Special Advocate Volunteer

## Honors and Distinctions

- Board Certified in Construction Law, The Florida Bar Board of Legal Specialization and Education

- *Best Lawyers*, 2019-2025, Listed in Florida for Litigation – Construction, Litigation - Real Estate
- *Florida Trend's* Legal Elite, 2021, Listed for Construction
- *Florida Trend's* Legal Elite, 2012, Listed as an “Up & Comer”
- *Super Lawyers* Magazine, 2009, 2011, 2013-2014, Recognized in Florida as a “Rising Star” for Business Litigation and General Litigation
- *Daily Business Review*, 2008, Listed in “Most Effective Lawyers” as a Finalist for Complex/Business Litigation
- Received one of the highest scores on The Florida Bar and was an honorary speaker at the Bar induction ceremony held by the Florida Third District Court of Appeal