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DOCUMENT 925

(with revised redactions, per this Court's Order, dated July 24, 2017)

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STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION
Case Type: Special Administration

In re:

Estate of Prince Rogers Nelson, Deceased.

Court File No. 10-PR-16-46

AFFIDAVIT OF ROBERT J. LABATE IN SUPPORT OF MOTION FOR APPROVAL OF PAYMENT OF ATTORNEYS' FEES

AFFIDAVIT OF ROBERT J. LABATE

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

Pursuant to Minnesota Statutes, section 358.116, I, Robert J. Labate, under penalty of perjury, affirm as follows:

1. I am an attorney duly licensed to practice law before all courts in the States of Illinois and New Mexico and, having recently passed the California Bar, expect to be licensed to practice law before all California courts in the near future. I am admitted to practice in this matter *pro hac vice* and, if called as a witness, I could and would competently testify to the facts stated herein based on my own personal knowledge.

2. I am a Partner at Holland & Knight LLP ("**H&K**"), counsel of record for Tyka Nelson. I make this affidavit in support of H&K's motion for approval of payment of attorneys' fees and costs from assets of the Estate.

3. H&K was retained by Tyka Nelson ("**Tyka**") on September 23, 2016 to provide legal services and specialized advice regarding the Estate of Prince Rogers Nelson (the "**Estate**"). H&K formally substituted into the matter on September 27, 2016, only two days

before the hearing on the Special Administrator's motion for approval of seven entertainment deals.

4. At the time of H&K's substitution, the Special Administrator on the one hand, and Tyka, Omarr Baker, Alfred Jackson, Sharon Nelson, John Nelson and Norrine Nelson (collectively, the "**Nelson Family**"), on the other hand, disagreed as to whether the Estate should enter into seven entertainment deals proposed by the Special Administrator and whether representatives of the Nelson Family should be involved in the negotiation and drafting of long-form agreements for those entertainment deals.

5. H&K quickly prepared for the hearing regarding the proposed entertainment deals, participated in discussions among counsel for the Nelson Family, assisted with preparation of briefs jointly filed on behalf of the Nelson Family, prepared for and appeared at the hearing on September 29, 2016 at which, among other things, we asked the Court to allow representatives for the Nelson Family to participate in negotiation of long-form agreements.

Appointment As Representative For Entertainment Deals.

6. By Order entered on September 30, 2016, the Court approved six of the proposed entertainment deals and authorized the Nelson Family to appoint up to two representatives (the "**Representatives**") to participate in the negotiation of long-form agreements for such entertainment deals.

7. By Order entered on October 6, 2016 (the "**Amended Order**") the Court confirmed its approval of six proposed entertainment deals and the appointment of two "Representatives" for the Nelson Family who would be "able to offer input into the 'long-form deals' and assist in negotiating quid pro quo amendments to the deals. . . "

8. During much of the time period covered by this Application, Ken Abdo and I served as the named Representatives. With approval of the Special Administrator, my partner Jorge Hernandez-Toraño, also served in this role because immediate responses to lengthy, proposed long-form agreements were requested and because of his extensive knowledge of music industry agreements.

9. No prior drafts of the long-form agreement were provided to the Representatives, and comments were to be provided on an expedited basis. Thus, Mr. Hernandez-Toraño and I relied on other H&K attorneys to assist in our analysis of proposed agreements, particularly to assess the financial and operational effects on the Estate over the three to five-year term of such agreements.

10. As a Representative, we engaged in frequent communication with counsel for the other family members, the Special Administrator, the Special Administrator's Entertainment Advisors (the "**Advisors**"), and the other Representatives appointed to offer input and assist in negotiating amendments to the deals in order to provide status updates and prepare strategy.

11. On November 9, 2016, Mr. Abdo and his firm were replaced by Frank K. Wheaton, counsel to Alfred Jackson, as the other Representative, and we have worked with Mr. Wheaton since that time.

<u>Qualifications To Act As Representative</u>.

12. I am qualified to serve as a Representative based on more than 20 years' experience as an entertainment attorney in which, among other things, I:[1]

- Served as Adjunct Faculty at DePaul University School of Law between 2007 and 2014 during which time I taught courses on Entertainment, Film and Television Law;
- Serve as National Co-Chair of the Holland & Knight Sports and Entertainment Law Team;
- Represent major media companies on a variety of copyright, licensing, advertising, content acquisition, program production, financing and music issues;
- Represent internationally acclaimed and Grammy® Award winning recording artists in a variety of entertainment matters;
- Regularly represent more than 70 television stations throughout the United States in connection with copyright and licensing issues and have resolved claims from major music publishers

[1] Attached as **Exhibit A** is a true and correct copy of a more extensive biography outlining my expertise, the expertise of Mr. Hernandez-Toraño, and of other H&K team members for which reimbursement of fees is sought.

in connection with use of more than 1,000 songs used in separate television series;

- Have been recognized for my Entertainment Law experience by *Chambers USA – America's Leading Business Lawyers* guide, *The Best Lawyers in America* guide and by Illinois *Super Lawyers* magazine;
- Have, with Holland & Knight, received awards from arts organizations, including Lawyers For The Creative Arts, for pro bono and community service to artists; and
- Have written and spoken extensively on a variety of entertainment law issues including programs sponsored by the ABA and the Illinois Institute of Continuing Legal Education, and my book on Film and Media Law is scheduled to be published in 2017.

13. Jorge Hernandez-Toraño is also well-qualified to serve in this role. Mr. Hernandez-Toraño has represented client in the music and entertainment industries for over 25 years. His experience and recognitions include:

- Representation of internationally acclaimed and Grammy® Award winning recording artists and producers in connection with their entertainment industry affairs, including but not limited to negotiation of recording and publishing agreements; negotiation of live, tour and radio and television broadcast appearances; negotiation of sponsorship or spokesperson agreements;
- Representation of internationally acclaimed and Grammy® Award winning recording artists and producers in matters that have involved various disciplines of the law, including their personal affairs as well as the active coordination and oversight of litigation and dispute resolution procedures on their behalf;
- Representation of major record labels in entertainment and merger and acquisition matters;
- Representation of the Latin Academy of Recording Arts & Sciences® (the Latin Grammy® Academy);
- Representation of the International Federation of the Phonograph Industry (IFPI);
- Production counsel for television producers whose productions included a reality music competition show;

- The *Best Lawyers in America* guide, Corporate Law, Entertainment Law - Motion Pictures & Television, Entertainment Law - Music, 2005-2017;
- *Chambers USA – America's Leading Business Lawyers* guide, Entertainment Law, 2005; and
- 100 Most Influential Hispanics in the Entertainment Business in the U.S., *Hispanic Business Magazine*, 1999.

14. To assist in the briefing for matters that required Court attention, H&K professionals Robert Barton, Vivian L. Thoreen and Stacie P. Nelson were the H&K attorneys primarily involved, although other timekeepers were utilized as reasonable and appropriate. Mr. Barton, Ms. Thoreen and Ms. Nelson have extensive experience litigating high profile, complex trust and estate matters throughout the country, and their knowledge and experience provided immense benefit to the Estate.

Activities as Representatives.

15. From the end of September through the first half of November 2016, as Representatives, Jorge and I, with the assistance of other H&K attorneys, provided a variety of services to the Estate which significantly improved the long-form agreements and which provided greater involvement by the Nelson Family in the negotiating process. This work included the following activities:

- Briefing the issue for the Court, resulting in the Order allowing the family to appoint "Representatives" to participate in the negotiating of the long-form deals;
- Closely reviewing and preparing extensive initial comments for the Bravado Trademark and Merchandizing Agreement, the UMPG Administration Agreement, and for the GMR Music Performance Rights License Agreement;
- Submitting draft comments to the counsel for the family members, participating in dozens of telephonic conferences and preparing hundreds of emails to achieve a consensus regarding the family's position with respect to the Approved Deals and the resulting long-form agreements;
- Meeting with the Estate's Advisors, participating in many telephone conferences and exchanging dozens of email with

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Estate's Advisors and with the Special Advisor's counsel regarding the family's position with respect to the Bravado deal and with respect to the initial draft of the UMPG long-form agreement;

- Reviewing and analyzing dozens of licenses and agreements executed by Prince Rogers Nelson and NPG Music Publishing prior to the appointment of the Special Administrator to prepare comments for the Advisors;
- Drafting the Motion for Protocol Procedures, preparing many draft protocol orders for submission to Counsel for the Nelson Family and, upon consensus, for submission to the Special Administrator;
- Multiple efforts to meet and confer with the Special Administrator on behalf of Counsel for the Nelson Family in an attempt to narrow the disagreement with respect to the proposed Protocol Order; and
- Responding to questions and comments from Counsel for the family regarding approval of sublicenses and potential licensing of unpublished sound recordings stored in the Paisley Park vault.

16. In providing legal services sought by this Motion, H&K attorneys and paralegals expended 587.90 hours from September 26, 2016 through November 15, 2016, in connection with the Entertainment Deals. These hours are divided into the various categories for which reimbursement is sought, along with the relevant time keeper, their hourly rate and the number of hours expended below. However, due to attorney-client privilege and attorney work product protection, actual billing statements are not provided with this Motion. H&K's time records will be provided for the Court's *in camera* review, if requested by the Court.

17. From September 26, 2016 through November 15, 2016, attorneys at H&K performed services that were reasonably and necessarily incurred to secure the right of the Representatives to participate in the negotiation and finalizing of six proposed entertainment deals advanced by the Special Administrator. Such services performed by H&K for the benefit of the Estate have included but not been limited to the following tasks performed by various attorneys:

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Initial Briefing and Hearing.

18. H&K conducted research, prepared arguments, and presented arguments at the court hearing on September 29, resulting in the October 6 Order which allowed the Nelson Family to have input in the ongoing negotiations for the six entertainment deals advanced by the Estate. These efforts benefited the Estate by providing the collective entertainment expertise of the Representatives to assist in the negotiations, provided a spot at the table for the Nelson Family to provide their input in the deals and ensured that long-term thinking, as opposed to a short-term desire to generate cash for taxes, will continue to guide the actions of the Special Administrator.

19. The following H&K time is sought for reimbursement for efforts related to the initial hearing and briefing:

H&K Professional	Hourly Rate	Hours Expended	Total
Christopher W. Boyett, Partner	$790/hr	1.70	$1,343.00
Jorge L. Hernandez-Toraño, Partner	$750/hr	6.70	$5,025.00
Vivian L. Thoreen, Partner	$750/hr	44.30	$33,225.00
Stacie P. Nelson, Partner	$725/hr	.30	$217.50
Robert J. Labate, Partner	$720/hr	10.90	$7,848.00
Nichole D. Scott, Partner	$675/hr	.90	$607.50
Edward Diaz, Partner	$600/hr	21.40	$12,840.00
Robert Barton, Associate	$550/hr	54.50	$29,975.00
Kelly J. Cass, Associate	$365/hr	3.7	$1,350.50
Mitchell A. Bottey, Associate	$295/hr	3.3	$973.50
Total:		**147.7**	**$93,405.00**

Preparing Comments and Developing Consensus for Bravado and UMPG Deals.

20. The Representatives prepared draft comments and developed a consensus among counsel for all Nelson Family members. Upon developing a consensus, H&K and the Lommen Abdo firm provided detailed redlines and comments to the Advisors for the Bravado merchandising deal and extensive comments for the UMPG (Publishing) deal, the second long-form agreement the Advisors indicated would be completed.

21. As Representatives, Mr. Hernandez-Toraño and I travelled to New York to meet with Advisors to discuss the two proposed deals.[2] Following that meeting, we engaged in many telephone calls, emails, exchanges of information and re-drafts of the Bravado long-form agreement over several weeks.

22. As a result of these efforts, the final version of the Bravado long-form agreement is materially better for the Estate than the draft agreement submitted by the Special Administrator to the Court on October 6, 2016. For instance, material improvements include:

[redacted]

[2] We also were prepared to discuss the GMR long-form agreement; however, during the New York Meeting, we were told that the GMR agreement provided to us had been superseded by later drafts not provided to us.

23. Although the UMPG deal was discussed at length during the New York meeting and comments from the Representatives were provided, a revised UMPG long-form agreement was not provided to the Representatives by the Special Administrator. Although multiple requests were made for a revised UMPG agreement, none was provided to the Representatives and neither the Special Administrator nor the Advisors notified us that the long-form agreement would be executed – including exhibits and a loan and security agreement and a confidentiality exhibit we had never seen. This lapse occurred even though there was regular communication between the parties. The UMPG agreement was executed days before the Special Administrator notified the Nelson Family or their Representatives, who received notice through a press release issued only hours before the agreement was announced to the public.

24. Despite the limited opportunity for comments from the Representatives, the Representatives comments to the final UMPG long-form agreement provided substantial benefit to the Estate. For instance, the following are improvements to the UMPG deal, suggested by the Representatives, that made their way to the final deal:

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted] [redacted]

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25. The Representatives did not receive the final UMPG Agreement for review and comment prior to its execution by the Special Administrator. Nor did the Representatives receive any of the essential exhibits such as the loan and security agreements and a previously undisclosed confidentiality agreement. As discussed below, this lapse led Tyka Nelson and Omarr Baker to request the adoption of formal protocols so that it was not repeated.

26. In addition to the review of the UMPG and Bravado deals, as Representatives we recently prepared and submitted comments, on behalf of the Nelson Family, to the current version of the GMR long-form agreement.

27. During this process, Mr. Hernandez-Toraño, I and other H&K attorneys engaged in frequent conversations and email exchanges with other counsel for the other Nelson Family members, with counsel for the Special Administrator, and with the Advisors to offer comments, to assist in negotiating amendments to the deals, and to obtain agreement on a joint strategy.

28. H&K's efforts resulted in materially better Bravado and UMPG deals than the ones advanced to the Court at the September 29 hearing, and provided material benefits to the Estate.

29. The following H&K time is sought for reimbursement for efforts related to the negotiation of the proposed Entertainment deals:

H&K Professional	**Hourly Rate**	**Hours Expended**	**Total**
William B. Sherman, Partner	$850/hr	4.80	$4,080.00
Christopher W. Boyett, Partner	$790/hr	1.80	$1,422.00
Jorge L. Hernandez-Toraño, Partner	$750/hr	43.50	$32,625.00
Vivian L. Thoreen, Partner	$750/hr	2.10	$1,575.00
Robert J. Labate, Partner	$720/hr	137.80	$99,216.00

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Edward Diaz, Partner	$600/hr	15.00	$9,000.00
Robert Barton, Associate	$550/hr	6.10	$3,355.00
Elaina E. Andrade, Associate	$385/hr	12.30	$4,735.50
Daniel L. Janovitz, Associate	$335/hr	4.40	$1,474.00
Josefina Hernandez, Paralegal	$280/hr	5.10	$1,428.00
Total		**232.90**	**$158,910.50**

Protocol Order.

30. Because of the lapse in providing the final UMPG Agreement and exhibits to the Representatives and other issues arising during the negotiation of the Bravado and UMPG Agreements, I believed that a formal protocol was required concerning the roles of the respective parties for the remaining deals proposed by the Special Administrator.

31. Several conferences between the Representatives and the Special Administrator regarding a formal protocol for the remaining negotiations took place but an acceptable resolution was not reached. As a result, Tyka and Omarr Baker prepared and filed a Motion seeking a Protocol under the October 6, 2016 Order ("Protocol Motion").

32. On November 8, 2016, the Court issued its November 8, 2016 Order for Submissions (entered on November 9) regarding the Protocol Motion which in part, froze the Special Administrator from entering into any additional business contracts until further order of the Court.

33. Subsequently, the parties continued their meet and confer process. While the meet and confer effort brought the parties closer together, a resolution was not reached and each side submitted their proposed protocol orders to the Court. The Representatives submitted a proposed protocol order to the Court which was supported by counsel for all Nelson Family members.

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34. On November 23, 2016, the Court entered a protocol order regarding the negotiation of the remaining entertainment deals (the "Protocol Order").

35. As a result of the Motion and subsequent order, the Parties now have further clarity and definition regarding the negotiating process for the remaining four deals which will allow the maximum benefit for the Estate to be reached (as occurred with Bravado).

36. These efforts benefited the Estate, by again confirming the role of the Representatives in the negotiation process, and providing a level of certainty to the Nelson Family and the Estate's partners that the best interests of the Estate were being served by the proposed deals. Petitioner now seek reimbursement from the Estate for its efforts.

37. The following H&K time is sought for reimbursement for efforts related to the Protocol issue:

H&K Professional	Hourly Rate	Hours Expended	Total
Christopher W. Boyett, Partner	$790/hr	1.80	$1,422.00
Jorge L. Hernandez-Toraño, Partner	$750/hr	18.10	$13,575.00
Vivian L. Thoreen, Partner	$750/hr	9.60	$7,200.00
Stacie P. Nelson, Partner	$725/hr	29.70	$21,532.50
Robert J. Labate, Partner	$720/hr	58.30	$41,976.00
Edward Diaz, Partner	$600/hr	24.80	$14,880.00
Robert Barton, Associate	$550/hr	44.60	$24,530.00
Vivian M. Rivera, Associate	$400/hr	1.20	$480.00
Christine F. Gay, Sr. Counsel	$395/hr	2.30	908.50
Lisa M. Brown Kpor, Associate	$380/hr	15.50	$5,890.00
Josefina Hernandez, Paralegal	$280/hr	1.40	$392.00
Total		**207.30**	**$132,786.00**

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38. H&K's legal fees are in the total amount of $385,101.50 for services sought by this Motion. I and other attorneys at H&K have reviewed the original time entries for the legal fees submitted by H&K and affirm that the work was actually performed for the benefit of the Estate, was necessary for the proper administration of the Estate, and that the fees are reasonable given (1) the time and labor required; (2) the complexity and novelty of the transactions involved; and (3) the extent of the responsibilities assumed and the results obtained. The coordination of work required over several sophisticated and complex disciplines, and the time demands required finds the pending fee request reasonable under these unique circumstances. Furthermore, our firm's hourly rates and overall charges are fair when compared against the fees charged for comparable work for similar firms in other major metropolitan areas.

39. Given the complexity of the litigation, the Entertainment deals the Estate is negotiating and the results achieved, $385,101.50 is a just and reasonable amount to be requested.

40. Costs advanced to be reimbursed totaling $2,280.89 consist of the following:

Description	**Amount**
Travel (airfare, taxi, parking). New York Meeting with Advisors	$1,385.04
Court Filing Fees and Transcripts	$895.85
TOTAL:	$2,280.89

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: December 12, 2016

/s/ Robert J. Labate
Robert J. Labate

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EXHIBIT A

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Holland & Knight

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Related Practices: Litigation and Dispute Resolution | Product Liability | Entertainment Law | Media | Land Use and Government

Elaina Emerick Andrade is a Chicago litigation attorney who practices in both state and federal courts.

Ms. Andrade's litigation practice focuses on product liability, but she also represents clients in the insurance and finance industries as well as state entities. She also practices in transactional entertainment and media law, representing companies and individuals involved in film and television production, namely working with them before and during production on agreements, licensing, insurance, intellectual property and financing.

Honors & Awards

- Pro Bono All Star, Holland & Knight, 2014

Speaking Engagements

- Production Book 101: Meeting Distributors Requirements to Pick Up Your Film, Lake FX Summit 2016, May 13, 2016
- Copyright, Content and Contracts: How To Protect Your Works And Your Livelihood In A Mashup World, Chicago Creative Coalition, January 27, 2016

Memberships

- Chicago Bar Association
- Hispanic National Bar Association
- American Bar Association

Education

- Cornell Law School, J.D.
- Binghamton University, B.A., *magna cum laude*

Bar Admissions

- Illinois

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Spoken Languages

- English
- Spanish

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Robert "Robbie" Barton

Associate

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Related Practices: Private Wealth Services | Native American Law | Trusts, Estates and Fiduciary Dispute Resolution | Wealth Planning and Preservation | Nonprofit and Tax-Exempt Organizations

Robert Barton is an attorney in the Private Wealth Services Group and focuses on complex trust and estate litigation, trust and estate administration as well as conservatorship and guardianship matters for individuals, families and charities.

In addition to representing trustees, executors and beneficiaries in administration matters, Mr. Barton also handles breach of fiduciary duty and elder abuse matters, will and trust disputes, and contested conservatorships and guardianships in federal, state, and tribal courts throughout the country.

Currently, Mr. Barton is a member of the Holland & Knight's National Diversity Committee and the chair of the firm's Native American Affinity Group. Mr. Barton is an enrolled member of the Oneida Nation of Wisconsin.

Honors & Awards

- ABA Section of Real Property, Trust and Estate Law's *Probate & Property* magazine, Excellence in Writing Award: Best Cutting Edge Articles Trust & Estate, 2015
- Rising Star, Southern California *Super Lawyers* magazine, 2015, 2016
- Chesterfield Smith Fellowship Program, Holland & Knight, 2014
- Holland & Knight Public and Charitable Service All-Star, 2014
- American Bar Association, Real Property, Trust and Estate Law Section, Fellow, 2012-2014
- Constitutional Commentary, Student Technical Editor
- Civil Rights Moot Court

Publications

- Gifts to Caretakers: Gratitude or Disguised Malfeasance?, Co-Author, *GPSolo Magazine*, July/August 2016
- Conservatorships and Guardianships in Tribal Courts: What Tribes Need to Know, *Holland & Knight Alert*, February 26, 2016
- Alternative Litigation Finance, Part II: The Ethical Do's and Don'ts: Best Practices When Clients Finance Fiduciary Litigation, *Probate & Property*, November/December 2015

- FINRA Proposal Lets Financial Firms Hold Funds of Elder Abuse Victims, *Holland & Knight Alert*, September 30, 2015
- Alternative Litigation Finance, Part I: The Waiting Game—The Economics of Fiduciary Litigation Practice, Co-Author, *Probate & Property*, September/October 2015
- DOJ Targets Executives and Individuals in Corporate Investigations, *Holland & Knight Alert*, September 22, 2015
- Gifts to Caretakers: Acts of Gratitude or Disguised Malfeasance? New Statutes May Decide for Us, Co-Author, *Probate & Property*, May/June 2015
- Major Change Coming To Sentencing Guideline For Fraud, *Law360*, April 21, 2015
- U.S. Sentencing Commission Approves Major Changes to Fraud Guidelines, *Holland & Knight Alert*, April 16, 2015
- Enforcing Arbitration Clauses in Wills and Trusts - Is California Next?, Vol. 19, Issue 2, *California Trusts and Estates Quarterly*, 2013
- Steering the Fiduciary Through the Shoals of Surcharge: Recent Voyages Past (or onto) the Reefs, *Duke University Estate Planning Conference*, October 18, 2012
- Combating Elder Abuse in Indian Country, *Indian Country Today Media Network*, April 16, 2012

Speaking Engagements

- Luke: I Am Your Adult Adoptive Father - Adult Adoptions in California, Santa Monica Bar Association, December 1, 2016
- Practice Management Part 2: Fiduciary Litigation Practical Guide and Insights on Affiliations with Financial Advisers: Costs, Ethics, and Best Practices, Professional Fiduciary Association of California Educational Meeting, Southern Region, October 26, 2016
- ABA Section of Real Property, Trust and Estate Law Spring Symposia, Conflicts of Interest: Are Estate Planners the Benedict Arnolds of the Trust World?, ABA 2016 Spring Symposia May 11-13, 2016
- Choppy Waters: Navigating Ethical Reefs in Estate Planning, Santa Monica Bar Association, October 22, 2015
- *United States v. Al-Bahlul* - What the Never-Ending Trial Means For the Future of Guantanamo Military Commissions, Occidental College, October 6, 2015
- Potential Conflicts of Interest in Estate Planning, USC Gould School of Law's 41st Annual Trust and Estate Conference, September 20, 2015
- Navigating the Waters of Student Debt, August 2, 2015
- Introduction to Will Contests and Spousal Election, American Bar Association, June 25, 2015
- Silver Hair and Fighting Heirs: Contested Guardianships, American Bar Association Section of Real Property, Trust and Estate Law Webinar, May 19, 2015
- The Desirability and Enforceability of Arbitration Clauses in Testamentary Documents, Holland & Knight Program, August 20, 2014
- World Congress on Adult Guardianship, May 28-30, 2014
- ABA Section of Real Property, Trust and Estate Law Spring Symposia, Speaker, Silver Hair and Fighting Heirs: Contested Guardianships, May 1-2, 2014
- Estate Planning CLE: How to Accomplish Your Goals in an Efficient Manner, University of Minnesota Spring Alumni Weekend, April 25-26, 2014
- Planning for Long-Term Care, ABA Real Property Trust & Estate Law eCLE, January 23, 2014
- Morongo Band of Mission Indians Senior Workshop, Recognizing and Preventing Elder Abuse,

Estate Planning Basics, December 3, 2013

- First Annual Tribal Trust & Investment Workshop, Speaker, Fiduciary Duties; Considerations When Drafting and Amending a Trust Agreement, May 22-23, 2013
- Financial Elder Abuse - Strategies for Litigating a Case from Start to Finish - Lessons from Mickey Rooney, ABA YLD Spring Conference, May 17, 2013
- ABA Law Student Division Fall Regional Leadership Summit, Lawyers Outside the Office: Leaders Amongst Leaders, October 1, 2011

Memberships

- American Bar Association, Section of Real Property, Trust and Estate Law, Ethics and Malpractice Committee, Vice-Chair, 2014-2017
- Los Angeles County Bar Association
- Beverly Hills Bar Association
- U.S. Court of Appeals, Ninth Circuit Pro Bono Panel, Pro Bono Counsel

Education

- University of Minnesota Law School, J.D.
- University of Wisconsin-Madison, B.A., Political Science, History, American Indian Studies Certificate

Bar Admissions

- California
- Minnesota
- Wisconsin

Court Admissions

- Supreme Court of California
- Supreme Court of Minnesota
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the District of Columbia
- U.S. Court of Appeals for the District of Columbia Circuit
- U S Di trict Court for the Central Di trict of California
- U.S. Court of Appeals for the Eleventh Circuit
- San Manuel Tribal Court

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Related Practices: Private Wealth Services

Mitchell Bottey is an associate in Holland & Knight's Miami office and a member of the firm's Private Wealth Services Group. He focuses his practice on sophisticated estate and tax planning for high-net-worth individuals and families.

Mr. Bottey has experience drafting wills, complex trusts and other estate planning instruments designed to preserve wealth, while effectively providing for future generations in accordance with clients' intents. Additionally, Mr. Bottey advises clients on estate and trust administration and litigation matters.

Honors & Awards

- Order of the Coif

Education

- University of Florida Levin College of Law, LL.M.
- Florida State University College of Law, J.D., *magna cum laude*
- Florida State University, B.S.

Bar Admissions

- Florida

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Related Practices: Taxation | Private Wealth Services | Trusts, Estates and Fiduciary Dispute Resolution | Family Office Services | Wealth Planning and Preservation

Christopher W. Boyett co-chairs Holland & Knight's National Private Wealth practice. Mr. Boyett advises domestic and international wealthy families throughout Florida on sophisticated estate planning strategies and options and counsels family businesses on succession planning and tax planning. Additionally, he advises both institutional and individual clients on estate and trust administration issues.

He is an Adjunct Professor at the University of Miami School of Law, Graduate Program in Taxation.

Honors & Awards

- *Chambers High Net Worth* guide, Private Wealth Law: Florida, 2016
- *The Best Lawyers in America* guide, Trusts and Estates, 2003-2017; Litigation - Trusts and Estates, 2011-2017; Tax Law, 2013-2017
- Top Lawyer, *South Florida Legal Guide*, 2004-2015
- *Chambers USA – America's Leading Business Lawyers* guide, Tax: Estate Planning, 2010-2016
- *United States Lawyer Rankings*, Nation's Top 10 Trusts & Estates Lawyers, 2009-2012, 2014
- Florida Legal Elite Hall of Fame, *Florida Trend* magazine, 2008-2016
- Florida *Super Lawyers* magazine, 2006-2016
- Florida Legal Elite, *Florida Trend* magazine, 2006-2016
- Top Up and Comer, *South Florida Legal Guide*, 2001-2003
- Martindale-Hubbell AV Preeminent Peer Review Rated

Publications

- Regulatory Update, *Private Asset Management*, October 2014
- 2010 and Beyond – The Transfer Tax Odyssey, *Practical Tax Strategies*, April 1, 2010
- Advising Clients Who Move To Florida, *New York Law Review*, February 14, 2005

Speaking Engagements

- Markets Group Private Wealth Latin America & the Caribbean Forum, October 18-19, 2016

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- Estate Planning and the Role of the Investment and Wealth Advisor, IMCA 2015 Winter Institute, December 3, 2015
- Holland & Knight South Florida Wealth Conference, Hot Topics in Current Estate Planning Issues, October 27, 2015
- South Florida Market Update - Navigating South Florida: Paradise Regained, Holland & Knight Program, May 14, 2015
- Holland & Knight Annual Wealth Conference for CPAs, Sophisticated Wealth Transfer Techniques, October 21, 2014
- Regulatory Update, Private A et Management, October 2014
- Tax and Estate Planning for Clients Relocating to Florida, Lorman Education Services Conference, November 12, 2013
- Tax and Estate Planning Issues for Clients Relocating to Florida, Lorman Education Services Conference, May 15, 2013
- Family Strategies for Generations, April 11, 2013
- Health Reform and Impact on the Industry, Tax & Estate Planning Update, DCBA Corporate Law & Bench and Bar Conference, February 8, 2013
- Portability Issues, Estate Planning Council of Greater Miami Workshop, February 16, 2012
- Daily Business Review Annual Wealth Management Roundtable, October 10, 2011
- Tax and Estate Planning for Clients Relocating to Florida, Lorman Education Services Webinar, August 11, 2011
- Estate Planning with the Masters Series, State Law Update for Retirement States, November 14, 2008
- Estate Planning, CNN, 2005

Memberships

- Estate Planning Council of Greater Miami
- American College of Trust and Estate Counsel, Fellow
- Florida Bar Real Property, Probate and Trust Law Section

Education

- University of Florida Levin College of Law, J.D., *with honors*
- University of Florida, B.S., Business Administration, *with honors*
- University of Florida, MBA, Finance
- New York University School of Law, LL.M., Taxation

Bar Admissions

- Florida

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Holland & Knight

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Related Practices: Private Wealth Services

Kelly Cass is an associate attorney in Holland & Knight's Los Angeles office and a member of the firm's Private Wealth Services Group. Ms. Cass's practice focuses on complex trusts and estates litigation, as well as trust and estate administration.

During law school, Ms. Cass served as an extern in the Tax Division of the U. S. Attorney's Office. In that position, she conducted extensive legal research related to tax controversy litigation. Ms. Cass also served as the chief developments editor of the *Loyola of Los Angeles Law Review* where she worked closely with faculty to develop article topics on evolving areas in family law, and reviewed and edited articles for the publication.

Honors & Awards

- Order of the Coif, 2015
- Dean's Senior Merit Award, 2012
- Renaissance Scholar, 2012
- St. Thomas More Honor Society, 2013-2015

Publications

- DOJ "Willfully" Corrects Its Stance on False Statement Prosecutions: Change Could Have Major Impact on Future White Collar Investigations and Prosecutions, *American Bar Association White Collar Crime Committee Newsletter*, Fall 2014

Education

- Loyola Law School, Los Angeles, LL.M., Taxation, *with highest distinction*
- Loyola Law School, Los Angeles, J.D., *cum laude*
- University of Southern California, B.S., Public Policy, Management and Planning, *cum laude*

Bar Admissions

- California

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Holland & Knight

Edward "Eddie" Diaz

Partner

Miami
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edward.diaz@hklaw.com

Related Practices: Labor, Employment and Benefits | Litigation and Dispute Resolution | Non-Competes, Trade Secrets and Defecting Employees | Labor and Employment Class Actions | Civil Rights, Discrimination and Retaliation | Wage and Hour | Latin America Practice | Cuba Action Team

Edward Diaz is a partner in Holland & Knight's Miami office. He is a member of the firm's Litigation Section and primarily practices in the areas of Labor and Employment law. Mr. Diaz has represented numerous employers in non-compete cases and in litigation of employment discrimination claims before federal and state courts, the Equal Employment Opportunity Commission and the Florida Commission on Human Relations. Mr. Diaz provides counsel to employers on a wide range of issues, including management training, employment audits, drafting employment contracts, severance agreements, employment policies and handbooks, and non-competition agreements. In addition, Mr. Diaz advises clients on compliance with employment-related statutes and regulations.

Mr. Diaz has experience representing clients in a broad range of industries, including transportation, hospitality, healthcare, financial, higher education, professional and technology.

Within the firm, Mr. Diaz is the Hiring Partner and the Summer Associate Program Coordinator for the Miami office. Additionally, he is a member of the firm's Diversity Council, serves as the Chair of the Miami Local Office Diversity Committee and is a member of the Fair Employment Practices Committee for the firm.

Experience

- **Discrimination and Retaliation**: obtained a defense judgment for our client after a jury trial in federal court on the plaintiff's claim of discrimination and retaliation under the Americans with Disabilities Act
- **Wage and Hour**: obtained a jury verdict in federal court for our client, a wholesale seafood supplier, who was sued for alleged unpaid overtime
- **Discrimination**: obtained summary judgment in federal court in a race discrimination claim by a plaintiff against our client, one of the largest transportation/shipping companies globally; also obtained significant award of attorneys' fees and costs against plaintiff
- **Trade Secrets and Covenants Not to Compete**: obtained injunctive relief against a former employee of an international marketing research company for theft of trade secrets and breach of a non-compete agreement

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- **Discrimination**: obtained summary judgment on a multi-count complaint by two plaintiffs against a national insurance company in an action under the Age Discrimination in Employment Act; also obtained significant award of attorneys' fees and costs against plaintiffs

Honors & Awards

- *The Best Lawyers in America* guide, Employment Law - Management, 2013-2017
- Florida *Super Lawyers* magazine, 2011-2016
- Martindale-Hubbell AV Preeminent Peer Review Rated
- Tobias Simon Pro Bono Award Advisory Committee, past Appointee by the Chief Justice of the Florida Supreme Court
- Florida Legal Elite, *Florida Trend* magazine, 2008

Publications

- Tort Reform Act Limits Liability for Employee Leasing, *Holland & Knight Newsletter*, March 1, 2000

Speaking Engagements

- Best Labor and Employment Practices for 2016 and Beyond, Holland & Knight Program, June 2, 2016
- What Employers Need to Know about Labor and Employment Law in 2014 and Beyond, Holland & Knight Program, May 29, 2014
- ADA Amendments Act and FMLA Regulations Review - Miami, January 29, 2009
- Prepare & Protect Yourself for a Hurricane, Emergency or Disaster (Orlando), June 11, 2008
- Prepare & Protect Yourself for a Hurricane, Emergency or Disaster (Clearwater), June 11, 2008
- Prepare & Protect Yourself for a Hurricane, Emergency or Disaster, June 10, 2008
- Florida Keys 2008 Hurricane Preparedness Business Conference, May 28, 2008
- The Perfect Storm: Issues in Leave laws including the Interplay between the ADA, FMLA and Worker's Compensation, Daily Business Review Labor & Employment Law Roundtable, August 24, 2007
- Working Through Storms: Hurricane Readiness, 2007 H&K Disaster Preparation Employment Law Seminar, June 28, 2007

Memberships

- ABA Labor and Employment Section
- Cuban-American Bar Association
- Amigos for Kids, Board Member
- Hispanic Bar Association, Palm Beach County Chapter, Past President

Education

- University of Florida Levin College of Law, J.D., *with honors*
- Georgetown University, B.A., Government

Bar Admissions

- Florida

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Court Admissions

- All State Courts in Florida
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Southern District of Florida
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Northern District of Florida

Spoken Languages

- English
- Spanish

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Holland & Knight

Christine Fuqua Gay

Senior Counsel

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Related Practices: Labor, Employment and Benefits | Labor Relations for Management | Litigation and Dispute Resolution | Civil Rights, Discrimination and Retaliation

Christine Fuqua Gay practices in the Litigation Section of the Miami office of Holland & Knight, with an emphasis on Labor and Employment law. Ms. Gay represents management clients in matters arising out of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Family and Medical Leave Act, the Americans with Disabilities Act, the National Labor Relations Act, and other federal, state and local laws, in addition to claims arising out of employment agreements. She has experience defending against wage and hour actions arising under the Fair Labor Standards Act, including collective and class actions. Ms. Gay has represented clients in claims brought under Title III of the Americans with Disabilities Act dealing with public accommodations. Additionally, Ms. Gay has extensive labor arbitration experience and has represented employers before the National Labor Arbitrations Board.

Ms. Gay also has experience in appellate proceedings. She has authored a brief and argued before the U.S. Court of Appeals for the Fifth Circuit and has authored briefs for the Florida First District Court of Appeal.

Before attending law school, Ms. Gay worked in the real estate and financial services industries in New York City and on statewide and local political campaigns in Florida.

While attending Brown University, Ms. Gay was a four-year varsity athlete on the women's crew team.

Honors & Awards

- Most Effective Lawyer Finalist, Pro Bono, *Daily Business Review,* 2014
- Rising Star, Florida *Super Lawyers* magazine, 2013-2016
- Best Oralist, Best Brief and Best Overall by the Florida Supreme Court in the Intramural Final Four Moot Court Competition, 2004
- Justice Campbell Thornal Moot Court Board, former President

Publications

- Food and Beverage Law Update: December 2016, *Holland & Knight Update*, December 6, 2016

- New Department of Labor Rule to Limit Live-In Employees Eligible for Exempt Status, *Holland & Knight Alert*, June 30, 2014
- Court Ruling May Increase Lawsuits From ADA "Testers", *Association of Corporate Counsel North Florida Chapter Newsletter*, First Quarter 2014
- Allowance For ADA Opens Door To More Litigation, *Daily Business Review*, February 20, 2014
- Retaliatory Hostile Work Environment Recognized by 11th Circuit, *Holland & Knight Alert*, June 14, 2012

Speaking Engagements

- Legal/Compliance Update, CUPA-HR Florida Chapter Drive-in Meeting, October 17, 2016
- Best Labor and Employment Practices for 2016 and Beyond, Holland & Knight Program, June 2, 2016
- What Employers Need to Know about Labor and Employment Law in 2014 and Beyond, Holland & Knight Program, May 29, 2014

Education

- Brown University, B.A., American Civilization
- University of Florida Levin College of Law, J.D., *cum laude*

Bar Admissions

- Florida

Court Admissions

- All State Courts in Florida
- U.S. District Court for the Southern District of Florida
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Northern District of Florida
- U.S. Court of Appeals for the Fifth Circuit

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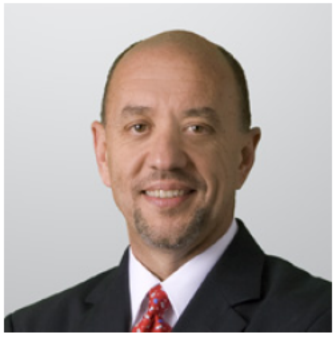

Jorge L. Hernandez-Toraño

Partner

Miami
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jorge.hernandez-torano@hklaw.com

Related Practices: Corporate Governance | Franchise | Mergers and Acquisitions | Entertainment Law | International and Cross Border Transactions | Latin America Practice | Cuba Action Team | Corporate Services

Jorge L. Hernandez-Toraño is a transactional attorney who has practiced in the areas of domestic and international corporate and mergers and acquisitions for more than 25 years. Mr. Hernandez-Toraño is also recognized for providing his transactional proficiency and business acumen to clients in the entertainment industry. His representative clients include private and public companies, high-net-worth individuals, foreign individuals and entities and governmental authorities in numerous industries and areas, including general business, corporate, resort and leisure, entertainment, network television and radio, print and music publishing and distribution, municipal finance, banking, real estate and franchise.

Mr. Hernandez-Toraño's experience in corporate and mergers and acquisitions matters includes the general representation of start-up and existing private and public companies, private placements, securities registrations, mergers, stock and asset acquisitions and dispositions, public finances, assistance in corporate and securities litigation, franchising, exploitation of intellectual property rights, executive compensation agreements and trade and non-competition restrictions. His experience in these matters also includes the representation of high-net-worth individuals and domestic and foreign clients in international mergers and acquisitions, dispositions and transactions.

In the entertainment industry, Mr. Hernandez-Toraño's experience includes the representation of internationally acclaimed and Grammy® Award winning recording artists and producers, the Latin Academy of Recording Arts & Sciences®, several of the recording industries' "major" record companies, award winning songwriters, independent record companies and music publishers, network television and radio talent, network television and radio affiliates, internet and service technology and content providers, fashion apparel designers, as well as traditionally non-entertainment clients doing business in entertainment industry. Mr. Hernandez-Toraño has represented these clients' interests in matters that have involved various disciplines of the law, including the active coordination and oversight of litigation and dispute resolution procedures on their behalf.

In many of his attorney-client relationships, Mr. Hernandez-Toraño serves in the capacity of general counsel to those clients, overseeing and regularly advising them on and coordinating all of their legal affairs and, where necessary, coordinating and supervising their engagement of special counsel.

Honors & Awards

- *The Best Lawyers in America* guide, Corporate Law, Entertainment Law - Motion Pictures & Television, Entertainment Law - Music, 2005-2017
- Florida *Super Lawyers* magazine, 2006-2016
- Top Lawyer, *South Florida Legal Guide*, 2005-2015
- Florida Legal Elite, *Florida Trend* magazine, 2009, 2012
- *Chambers USA – America's Leading Business Lawyers* guide, Entertainment Law, 2005
- Corporate Counsel Edition, *Super Lawyers* magazine
- 100 Mo t Influential Hi panic in the U S , Hi panic Bu ine Magazine, 1999
- Martindale-Hubbell AV Preeminent Peer Review Rated

Memberships

- American Bar Association, Entertainment and Sports Forum
- American Bar Association, Business Law Section
- Cuban-American Bar Association, Past President and Director
- The Florida Bar
- The Florida Bar, Entertainment and Sports Law Section
- Miami Business Forum, former Chair
- United Way of Miami-Dade, General Counsel, Executive Committee and Director
- Hispanic National Bar Association
- Belen Alumni Association of Jesuit Schools from Cuba and Miami, President
- American Bar Association

Education

- Boston College Law School, J.D., *cum laude*
- University of Miami, B.S.B.A., Accounting

Bar Admissions

- Florida
- Massachusetts

Court Admissions

- U.S. District Court for the Southern District of Florida
- U.S. District Court for the District of Massachusetts

Spoken Languages

- English
- Spanish

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Holland & Knight

Daniel L. Janovitz

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Related Practices: International and Cross Border Transactions

Daniel L. Janovitz is a Fort Lauderdale business attorney and focuses his practice in the area of taxation assisting domestic and international clients.

While attending the University of Pennsylvania Law School, Mr. Janovitz earned pro bono hours assisting the public as part of the Volunteer Income Tax Assistance Program.

Prior to law school, Mr. Janovitz earned a Master's degree in accounting with a focus on tax. He also spent time working for a public accounting firm.

Honors & Awards

- *Tax Law Review,* Graduate Editor, New York University School of Law, 2015
- Wilf Tax Scholarship Recipient, New York University School of Law, 2015
- Bernard Chertkoff Prize for Taxation, University of Pennsylvania Law School, 2014
- *Business Law Journal*, Editor, University of Pennsylvania Law School, 2013

Publications

- A Comparison of Trump and House GOP Tax Reform Proposals, *Holland & Knight Alert*, November 29, 2016
- Use It or Renew It, IRS to Invalidate Unused ITINs Unless Renewed, *Steve Leimberg's International Tax Planning Email Newsletter*, August 30, 2016
- IRS to Invalidate Unused ITINs Unless Renewed, *Holland & Knight Alert*, August 9, 2016
- Avoiding Double Taxation: When is a Foreign Tax Credit Allowed?, *Holland & Knight Tax Compliance Blog*, February 8, 2016
- Protecting Americans from Tax Hikes Act Makes Substantial Changes to Tax Law, *Holland & Knight Alert*, December 29, 2015
- New Audit Rules Require Changes to Partnership and LLC Operating Agreements, *Holland & Knight Alert*, December 21, 2015
- IRS Clarifies Who May Sign LLC's Return, *Holland & Knight Tax Compliance Blog*, September 22, 2015
- Federal Highway Bill Alleviates Compliance Burden for Taxpayers with Foreign Bank Accounts,

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Holland & Knight Tax Compliance Blog, September 10, 2015

Memberships

- The Florida Bar, Tax Section

Education

- New York University School of Law, LL.M., Taxation
- University of Pennsylvania Law School, J.D.
- University of Florida, M.S., Accounting
- University of Florida, B.S., Accounting

Bar Admissions

- Florida

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Holland & Knight

Lisa M. Kpor

Associate

Chicago
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lisa.kpor@hklaw.com

Related Practices: Litigation and Dispute Resolution | Product Liability | Shareholder Rights, Relations and Dispute Resolution

Lisa Mon'a Kpor is an attorney in Holland & Knight's Chicago office and a member of the Litigation and Dispute Resolution Practice. Her litigation experience includes a broad range of legal issues, including shareholder oppression actions, product liability disputes, breach of contract suits and commercial landlord-tenant actions.

During law school, Ms. Kpor participated in the Civil Litigation Clinic, where she represented clients during adversary hearings at the Champaign County Circuit Court. She coordinated the largest alumni banquet for the University of Illinois Black Law Student Association in the event's 20-year history. As an undergraduate, Ms. Kpor served as a contributing writer for *The Oberlin Review* – Oberlin College's student-run newspaper.

Prior to joining Holland & Knight, Ms. Kpor formerly worked as an intern with the Newport News Department of Social Services, the executive office of the mayor of Washington, D.C., and a host of other agencies.

Ms. Kpor is involved in community, civic and charitable activities in Illinois and beyond. She remains dedicated to today's youth and mentors students through The Posse Foundation and The Leadership Council on Legal Diversity. Ms. Kpor also is a member of the Public and Charitable Services Committee at Holland & Knight's Chicago office.

Honors & Awards

- Pro Bono All-Star, Holland & Knight, 2014-2015
- CALI Award for Excellence: Government Secrecy

Speaking Engagements

- Case Law Update – Defining "Public Body" Under the Illinois Freedom of Information Act, 13th Biennial Seminar for Illinois Local Government Officials, May 1, 2015

Memberships

- Chicago Bar Association
- American Bar Association

- Black Women Lawyers' Association of Greater Chicago, Inc.
- Oberlin College Admissions Office, Interviewer
- American Bar Association, Lieutenant Governor of Student Bar Associations and Liaisons for the Law School Division of the 7th Circuit, 2013-2014

Education

- University of Illinois College of Law, J.D., *cum laude*
- Oberlin College, B.A., German; Politics

Bar Admissions

- Illinois

Spoken Languages

- English
- German

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Robert J. Labate

Partner

Chicago
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Related Practices: Bankruptcy, Restructuring and Creditors' Rights | Entertainment Law | Media | Litigation and Dispute Resolution

For more than two decades, **Robert J. Labate** has maintained an active litigation practice in corporate restructuring and transactional media and entertainment law. Mr. Labate has been an adjunct faculty member at DePaul University School of Law for many years, where he teaches two courses reflecting his practices: "Corporate Workouts and Restructuring" and "The Law of Film and Television Production."

Mr. Labate previously served as chair of the Public and Charitable Service Committee for the Chicago office of Holland & Knight, which supervises dozens of pro bono and community service representations and projects in the Chicago metropolitan community.

As a corporate restructuring and bankruptcy attorney, Mr. Labate represents parties in complex Chapter 11 and consensual out-of-court "workout" agreements. As part of the financial restructuring portion of his practice, Mr. Labate advises clients on creditor and creditor committee issues, debtor restructuring, and asset sales and acquisitions, including Section 363 sales. Recent restructuring engagements include:

- ***In re Platinum Oil Properties, LLC,*** Case No. 09-10832, U.S. Bankruptcy Court, D. N.M. Representation of the Jicarilla Apache Nation in opposition to attempts by the debtor to assume operating rights for oil and gas wells located on tribal land.
- ***In re Ridgeland Apartment Holdings, LLC,*** Case No. 12-35417, U.S. Bankruptcy Court, District of Utah. Representation of secured lender in successful litigation to modify the automatic stay to allow lender ***to take possession*** of a 17-building, 264-unit, residential apartment complex located in Ridgeland, Miss.
- ***In re The Clare at Water Tower,*** Case No. 11-46151, U.S. Bankruptcy Court, N.D. Ill. Representation of purchaser in $53.5 million acquisition of a 50-story senior residential tower located in the Water Tower district of Chicago.
- ***In re Clare Oaks,*** Case No. 11-48903, U.S. Bankruptcy Court, N.D. Ill. Representation of debtor-in-possession lender to debtor that owned a continuing care retirement community consisting of 154 residential apartments, 10 cottage units and a 33-unit licensed assisted living facility.
- ***In re Fairview Ministries, Inc.,*** Case No. 11 B 04386, U.S. Bankruptcy Court, N.D. Ill. Representation of Hinsdale Bank & Trust Co., as pre-petition and debtor-in-possession lender to

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continuing care retirement community debtor in which substantially all of debtor's assets were sold pursuant to a 363 sale.

- ***In re SSK Partners, LLC,*** Case No. 11-49091, U.S. Bankruptcy Court, N.D. Ill. Representation of primary secured lender to commercial office building located on the west side of Chicago. which was sold consensually pursuant to a 363 sale.
- ***Freedom Broadcasting of New York, Freedom Broadcasting of Michigan, Inc. and Freedom Broadcasting of Florida, Inc.,*** jointly administered as Case No. 09-13046, U.S. Bankruptcy Court for the District of Del. Representation of Twentieth Century Fox Film Corporation regarding program licensing.
- ***ImagePoint Inc. vs. BFS Retail & Commercial Operations, LLC***, Adv. Pro. 09-03080 U.S. Bankruptcy Court, Eastern District of Tenn. Representation of Bridgestone retail operations in a defense of breach of contract action.
- ***In re J.M. Products, Inc.,*** Case No. 09 bk 12828, U.S. Bankruptcy Court, E.D. Ark. Representation of Chapter 11 trustee in the sale of substantially all assets.
- Out-of-court representation of **Opus Northwest, LLC**, a real estate development company, in the restructuring of $300 million in participant bank obligations.
- Out-of-court representation of **A.C. Houston Lumber Company**, a Nevada-based building products manufacturing and lumber company, in the restructuring of facilities and operations in three states.

Mr. Labate works with major media companies on a variety of copyright, licensing, acquisition, program production and music issues. Mr. Labate collaborated with other media team members to develop and implement a comprehensive copyright clearance program for use by dozens of television stations throughout the country. The program includes standard clearance procedures, fair-use guidance, agreements and licensing, webinars with station news directors and producers, and procedures for use of third-party materials such as images, photos and videos. He also advises media and corporate clients regarding network advertising, as well as use of social media and websites for marketing and promotion. Recent media and entertainment engagements include:

- Responsible for the successful "delivery" of a music video released in connection with a #1 selling album released in November 2012.
- Production counsel for documentary film initially broadcast on the Fox Network in May 2013 concerning a series of concerts on seven continents by one of the world's top recording artists.
- Lead production and financing counsel to **Life Itself LLC**, the producer of a documentary film based on Roger Ebert's memoir, *Life Itself* (in production for 2014 release).
- Financing and production counsel for **Three Oaks Theater Festival** in its highly successful inaugural 2013 season, which brought Chicago productions previously seen at Steppenwolf and the Goodman Theaters to a summer resort community located in Three Oaks, Mich.
- Financing and production counsel for a Washington, D.C., documentary film project on the life of civil rights icon, Congressman John Lewis.
- Negotiated and drafted one of the first film licensing agreements executed by CNN Films for broadcast on CNN.
- Production and distribution counsel responsible for negotiation of licensing agreement with cable network for broadcast of documentary television series in 2015.
- Negotiated and prepared product integration agreements for a product to be advertised on "The Ellen DeGeneres Show."

- Negotiated and prepared celebrity promotional agreements for the national launch of an advertising campaign for an air purifier product for Akida Holdings, a Jacksonville-based company.
- Financing and film production counsel in the creation of a series of documentary films for a Colorado-based client.
- ***102 Minutes That Changed America and Louder Than a Bomb.*** Production counsel for producers, Siskel/Jacobs Productions, of this documentary film that premiered on the History Channel in September 2008. This documentary film attracted 5.2 million viewers.
- ***Motel***. Production counsel for this feature-length film starring Robert DeNiro and John Cusack (in post-production).
- ***A Good Man*** (for PBS American Masters broadcast in 2011). Production counsel for Kartemquin Films.
- ***Head Games*** (in production for completion in 2012). Representation of producer, Bruce Sheridan, chair of the Film & Video Department at Columbia College Chicago, the largest film school in the United States.
- ***The Interrupters*** (premiered at Sundance Film Festival, January, 2011). Production counsel for Kartemquin Films.
- ***The Last Rites of Joe May*** (released November, 2011, Tribeca Films). Representation of producer Steppenwolf Films LLC.
- ***Stetson Kennedy.*** Representation of Stetson Kennedy and his estate in film matters, which included the acquisition of his life and literary rights for the feature film and documentary.
- ***Welcome to Shelbyville*** (initial broadcast on PBS in May 2011). Production counsel to The BeCause Foundation.

Honors & Awards

- *The Best Lawyers in America* guide, Entertainment Law - Motion Pictures and Television, 2007-2017
- Illinois *Super Lawyers* magazine, 2007-2016
- New City Film 50: Chicago's Screen Gems, 2015
- Holland & Knight Public and Charitable Service All-Star, 2014
- *Chambers USA – America's Leading Business Lawyers* guide, Media & Entertainment: Transactional, 2009-2016
- Corporate Counsel Edition, *Super Lawyers* magazine, November 2009
- Top Bankruptcy Lawyer, The Deal, 2007
- Chicago Law Bulletin Leading Lawyer

Publications

- Tribal Immunity Protects the Navajo Times Against Bankruptcy Strong Arm Action, *Holland & Knight Native American Law Blog*, May 20, 2016
- New Jersey Bankruptcy Court Decision Protects Rights of Trademark Licensees, *Holland & Knight Alert*, November 17, 2014
- Illinois Land Use Law 2013 Supplement, *Illinois Institute for Continuing Legal Education*, March 19, 2013
- Troubled Developments, Co-Author, *IICLE's Illinois Land Use Law*, Spring 2010

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- Removal of “Sex, Nudity, Profanity and Gory Violence” Not Fair Use, *Holland & Knight Newsletter*, November 2006
- The Rise of International Comity and Universality (Or How the Bankruptcy World Is Shrinking), *Holland & Knight Newsletter*, October 2006
- Disclose It or Lose It: Defending Unscheduled Claims Brought by a Former Debtor, *Holland & Knight Newsletter*, Third Quarter 2004
- Talent vs. Money and Other Myths of Indie Film, *PerformInk Entertainment and Law Column*, April 26, 2004
- Strategies for Defending Preference Actions, *Holland & Knight Newsletter*, October 2003
- Tax Credits for Filmmakers in Illinois, August 29, 2003
- The Special Challenge of Documentary Film - Part 2, *PerformInk Entertainment and Law Column*, June 7, 2002
- Production Myths of Documentary Film, *PerformInk Entertainment and Law Column*, June 7, 2002
- The Special Challenge of Documentary Film - Part 1, *PerformInk Entertainment and Law Column*, May 1, 2002
- Preparing to be Published, *PerformInk Entertainment and Law Column*, April 4, 2002
- "Work Made for Hire" Puzzle, *PerformInk Entertainment and Law Column*, March 1, 2002
- Music in Movies - Part II, *PerformInk Entertainment and Law Column*, February 15, 2002
- Using ALL of Your Entertainment Rights, *PerformInk Online*, February 8, 2002
- Music in Movies - Part I, *PerformInk Entertainment and Law Column*, December 11, 2001
- A Brief Guide to Forming a Not-For-Profit, December 1, 2001
- Cultivating Copyrights - Part II, *PerformInk Online*, October 24, 2001
- Cultivating Copyrights - Part I, *PerformInk Online*, October 4, 2001
- Generating Buzz on the Web, *PerformInk Entertainment and Law Column*, August 31, 2001
- Beyond Napster: The Emerging Rules of Digital Distribution, *PerformInk Entertainment and Law Column*, May 1, 2001
- The Film Producer's Role-Part III, *PerformInk Entertainment and Law Column*, March 2, 2001
- The Film Producer's Role-Part II, *PerformInk Entertainment and Law Column*, February 2, 2001
- Creating A Non-Profit Corporation, *PerformInk Entertainment and Law Column*, December 22, 2000
- The Film Producer's Role, *PerformInk Entertainment and Law Column*, December 8, 2000
- The Magic Bullet For Producing Film, *PerformInk Entertainment and Law Column*, October 13, 2000
- Music Artists-Getting Noticed Without Getting Taken, *PerformInk Online*, September 18, 2000
- The Mystery of Financial Core, *PerformInk Entertainment and Law Column*, September 15, 2000
- The Legal Education of Lauryn Hill, *PerformInk Online*, June 14, 2000
- The Seven Deadly (Legal) Sins of Independent Film Production, *PerformInk Entertainment and Law Column*, May 2, 2000
- Getting to Know You, *PerformInk Entertainment and Law Column*, April 3, 2000
- What the Contract Giveth..., *PerformInk Entertainment and Law Column*, March 7, 2000
- Heading West, *PerformInk Entertainment and Law Column*, February 4, 2000
- Setting Up Shop on the Internet, *PerformInk Entertainment and Law Column*, December 7, 1999
- What Artists and Agents Want: P.S. It Isn't The Same Thing, *PerformInk Entertainment and Law Column*, October 26, 1999

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- The Art of Protecting Your Screenplay, *PerformInk Entertainment and Law Column*, September 28, 1999
- Screenplay Option Blues, *PerformInk Entertainment and Law Column*, August 3, 1999
- Independent Film: Taking Money, Taking Chances, *PerformInk Entertainment and Law Column*, July 8, 1999
- Violence and the First Amendment, *PerformInk Entertainment and Law Column*, June 7, 1999
- The Problem With TV Pilots, *PerformInk Entertainment and Law Column*, April 15, 1999
- Picking Your Agent, *PerformInk Entertainment and Law Column*, March 15, 1999
- What Film Distributors Want-Part II, *PerformInk Entertainment and Law Column*, February 12, 1999
- What Film Distributors Want-Part I, *PerformInk Online*, January 20, 1999
- The New Right of Publicity Act, *PerformInk Online*, November 1, 1998
- "Attaching" Michael Jordan: Beating the Odds in Independent Film, *PerformInk Online*, October 1, 1998
- Essential Contract Terms-Part III, *PerformInk Online*, September 1, 1998
- The Essential Contract Terms-Part II, *PerformInk Online*, August 1, 1998
- What's Your Contract IQ?, *PerformInk Online*, July 15, 1998
- Entertainment Contracts-The Lessons of Coppola v. Warner Brothers (Warners), *PerformInk Online*, June 1, 1998
- The Copyright Monopoly and Your Contracts, *PerformInk Online*, March 28, 1998
- WB's $80 Million Blockbuster/Understanding Your Contracts, March 28, 1998
- The Developing Right of Publicity, *PerformInk Online*, March 28, 1998

Speaking Engagements

- Must-Knows for Filming in Chicago, Lawyers for the Creative Arts Associate Board, November 10, 2016
- Production Book 101: Meeting Distributors Requirements to Pick Up Your Film, Lake FX Summit 2016, May 13, 2016
- Top 10 Legal Issues in the Mechanics of Independent Film Production, IICLE's Entertainment Law Program, September 25, 2015
- Blurred Lines and Bright Lines: Copyright Issues from the Blurred Lines Trial, Lawyers for the Creative Arts Program, July 8, 2015
- Fair Use & Copyright for Filmmakers - What do Filmmakers Need to Know About Fair Use, Copyright, Rights Clearing and Distribution?, 2014 IFP/Chicago Filmmakers Conference, Panelist, October 10, 2014
- Covering Your Bases: Legal Issues in Indie Filmmaking, Reeling 32 LGBT Film Festival, September 21, 2014
- Become a Professional Writer: Industry Tips & Tricks, Illinois State Bar Association, April 23, 2014
- Northwestern University School of Law's Arts and Entertainment Law Society, Panelist, February 24, 2014
- Documentary Film, DePaul Digital Media Center, October 8, 2012
- The Arc of Production, Legal Topics Affecting Film Makers, Chicago South Asian Film Festival, September 22, 2012
- Shopping and Formation, Legal Trends in Filming in Chicago, YLS Creative Arts and CBA Media & Entertainment Committees, April 7, 2011

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- Commercial Real Estate Workouts & Remedies, Taking Back the Property: A Check List for Troubled Properties, the Options to Pull, and Why, November 18, 2009
- Creative Approaches to Workouts in the Hospitality Industry, Panelist, September 11, 2009
- Real Estate Joint Ventures, Panelist, Parting is Such Sweet Sorrow: Exit Strategies, Discussion of Exiting the Real Estate Joint Venture: Defaults: Defeasance; Remedies; Developer Removal; Triggers for Restructuring Loans so the Partners Need More Equity, February 19, 2009
- Bankruptcy Issues Relevant to Municipalities, Panelist, Illinois Institute for Continuing Legal Education, Annual Municipal Law Conference, January 22 and 30, 2009
- Preparing for 2009 - Hot Topics for Business During the Recession, Chicago Urban League projectNEXT Seminar, December 6, 2008
- Retail Bankruptcies Have Arrived—More Are Coming, Panelist, What You Need to Know Now: Practical Answers for Dealing With Troubled Retail Tenants, December 5, 2008
- Developing a Game Plan for Surviving the Construction Recession I, Underground Contractors Association, October 2008
- Distribution of Independent Films, Panelist, Chicago Cine Tech Expo 2007, September 29, 2007
- Independent Filmmaking and the Law, Moderator/Panelist, Jacksonville Film Festival, May 18, 2007
- Entertainment Law 202: Digital Media in the Age of YouTube, iPods, and Cell Phones, Organizer/Moderator, ABA/CBA Seminar, May 7, 2007
- The Search of El Dorado: The Endless Search for Feature Film Financing, Moderator, Annual Meeting of the ABA Entertainment and Sports Forum, Los Angeles, CA, October 2006
- Legal Issues of Film Development, Production and Distribution, Speaker, The Midwest Audio Visual Expo, September 2006
- Entertainment 101 - Fundamentals of Music, Film and Television Production and Distribution, Organizer/Moderator, ABA/CBA Seminar, May 2006
- Brokeback Mountain Without Going Broke - Alternate Ways to Finance and Distribute Independent Film, Panelist, Second Annual Jacksonville Film Festival, May 2006
- Film Business Organizations, Copyright and Trademark, Financing and Contracts, Organizer/Speaker, Lawyers For The Creative Arts, February 2006

Memberships

- Lawyers for the Creative Arts, Board of Directors
- Chicago Bar Association, Chair, Media and Entertainment Committee 2007-2008
- Chicago Bar Association, Nominating Committee, 2008
- American Bankruptcy Institute

Education

- Case Western Reserve University School of Law, J.D.
- Yale College, B.A., History

Bar Admissions

- Illinois
- New Mexico

Court Admissions

- U.S. District Court for the Northern District of Illinois
- U.S. Supreme Court

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Holland & Knight

Stacie Polashuk Nelson

Partner

San Francisco
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stacie.nelson@hklaw.com

Related Practices: Litigation and Dispute Resolution | Private Wealth Services | Trusts, Estates and Fiduciary Dispute Resolution

Stacie Polashuk Nelson is a partner in Holland & Knight's San Francisco office and is a member of the firm's Private Wealth Services Group. Since 1998, Ms. Nelson has concentrated her practice on all aspects of contentious trust, estate and conservatorship matters. Her practice includes will and trust contests, accounting disputes, disputed conservatorships, breach of fiduciary duty matters, financial elder abuse matters, as well as trust and estate administration. She is an experienced trial attorney, but she is dedicated to finding the best resolution for the client, including client counseling, mediation, settlement negotiations and/or trial. Her administration practice focuses on assisting clients with post-death administration of trusts and estates and securing and protecting bequests made to individuals and charitable beneficiaries. Ms. Nelson's clients include individuals, families, charities, and professional and institutional fiduciaries.

Ms. Nelson's experience includes some of the most sensitive and high-profile cases in her field. For example, she was admitted to appear *pro hac vice* in the New York County Surrogate's Court as a key member of the jury trial team propounding and defending the will of Huguette Clark, in the matter of The Estate of Huguette M. Clark, File No. 1995 - 1375A.

In addition, Ms. Nelson also devotes a portion of her practice to pro bono legal services and is the chair of the Holland & Knight Mickey Rooney Elder Financial Abuse Pro Bono Project for the San Francisco office. Through this project, Ms. Nelson and the San Francisco office provide legal services to elder adults who would otherwise not have the financial ability to protect themselves. In addition to her pro bono legal work, Ms. Nelson is active in her community and local charitable organizations.

Reported Decisions

- *Estate of Dehgani-Fard*, 141 Cal.App.4th 797 (2006)

Honors & Awards

- Holland & Knight Public and Charitable Service All-Star, 2014
- Rising Star, Northern California *Super Lawyers* magazine, 2010

Publications

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- Dawn of the Litigating Dead: Litigation After A Litigant Dies, *Holland & Knight Private Wealth Services Blog*, September 22, 2015
- Death of a Litigant: What is a Trusts and Estates Litigator to Do?", Vol. 20, Issue 3, *California Trusts and Estates Quarterly*, 2015
- The Donald Sterling Case Provides Valuable Trustee Incapacity Insights, *Holland & Knight Alert*, October 13, 2014
- A Charitable Catch-22: Standing for Private Attorney General Actions in California, *California Trusts and Estates Quarterly*, Summer 2006
- 10 Steps Fiduciaries Can Take to Avoid Litigation, *Holland & Knight Newsletter*, Fall 2005
- Death of a Litigant, *Los Angeles Lawyer*, 2003
- Death of a Litigant, *California Trusts and Estates Quarterly*, Winter 2003
- Handling Disabilities, Chronic Health Impairments, and Absences from Work Under Federal Law, *The Labor Lawyer*, 1998
- Handling Disabilities, Chronic Health Impairments, and Absences from Work Under Federal Law, Co-Author, *24 Employment Rel. Today 123*, 1997
- Following the Lead of the Indian Child Welfare Act: Expanding Tribal Jurisdiction Over Native American Juvenile Delinquents, *California Law Review*, 1996

Speaking Engagements

- Safeguarding the Estate Plan to Anticipate & Avoid Litigation, Idaho State Bar 2016 Estate Planning Conference, September 30, 2016
- Holland & Knight 2016 Wealth Conference in California, Virtual Life After Death, September 27-28, 2016
- Capacity and the Aging Brain, Northern California Planned Giving Conference, May 2, 2016
- Creditor Claims and Post-Death Litigation, Marin County Bar Association's Probate and Estate Planning Section Meeting, April 20, 2016
- Creditor Claims and Post-Death Litigation, Sacramento County Bar Association Probate and Estate Planning Section Meeting, April 19, 2016
- 50th Annual Heckerling Institute on Estate Planning, January 11-15, 2016
- Estate Planning To Avoid Litigation: Strategies To Turn What May Seem Inevitable To Avoidable, The Thirty-Ninth Annual Fall Program for The State Bar Of California, November 20, 2015
- Holland & Knight 2015 Wealth Conference in California, Trends in Trust and Estate Litigation and Issue-Spotting for Avoiding Litigation, November 17-18, 2015
- Trends In Fiduciary Litigation: What Every Attorney-CPA Should Know, American Association Of Attorney-Certified Public Accountants (AAA-CPA) 2015 Fall Meeting & Education Conference, November 14, 2015
- Estate Planning To Avoid Litigation: Strategies To Turn What May Seem Inevitable To Avoidable, 88th Annual Meeting Of The State Bar Of California, October 9, 2015
- Creditors' Claims on Post-Death Litigation, The Estate Planning, Probate and Trust Section of the Bar Association of San Francisco, May 6, 2015
- Estate Planning to Avoid Litigation – Ways to Turn What May Seem Inevitable to Avoidable, The 37th Annual UCLA/CEB Estate Planning Institute, May 1, 2015
- An Overview of Capacity and Undue Influence Issues in Estate Planning, California Continuing Education of the Bar Program, Panelist, November 18, 2014
- Best Practices & Pitfalls for Negotiating Settlements and Releases for Trustees, The Bar

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Association of San Francisco, November 4, 2014
- The Basics of Creditor's Claims, East Bay Trust and Estate Lawyers Annual Probate Boot Camp, November 3, 2014
- Lessons Learned from the Estate of Huguette M. Clark, Wells Fargo National Estate Settlement Officers Conference, September 2014
- Lessons Learned from the Mysterious Life of Huguette Clark, Legal Assistance For Seniors Ninth Annual Conference on Elder Abuse, May 20, 2014
- Primer on International Aspects of Trusts & Estates Disputes, The Bar Association of San Franci co Panel Di cu ion, April 2, 2013
- Probate Litigation: Key Issues for Attorneys, San Diego County Bar Association, October 3, 2012
- Ethics Considerations for Fiduciaries in Trust Administration, East Bay Estate Planning Council, February 2010
- Terror No More: The Death of No Contest Clauses in California, State Bar Annual Meeting, September 2009
- Ethics Considerations for Trust & Financial Advisors, Mechanics Bank's Trust Administration Department, May 2009
- Which Way Do We Go? Managing Divergent Interests Among Trust Beneficiaries, Alameda County Bar Association, Trust & Estates Section, July 2008
- Death of a Litigant: Timing and Procedural Traps Resulting from a Litigant's Death, Probate Litigation Subcommittee of the Estate Planning, Trust and Probate Section of the Bar Association of San Francisco, March 2008
- Which Way Do We Go? Managing Divergent Interests Among Trust Beneficiaries, East Bay Estate Planning Council, January 2008
- Avoiding Pitfalls When a Litigant Dies, State Bar of California's Section Education Institute, January 2007
- Death of a Litigant, State Bar of California's Section Education Institute, January 2005
- To Whom Does an Estate Planning Lawyer Owe a Duty, Alameda County Bar Trusts & Estates Section, 2004

Memberships

- East Bay Trusts & Estate Lawyers
- Estate Planning Council of Diablo Valley
- San Francisco County Bar Association
- Alameda County Bar Association, Trusts & Estates Litigation Section, Co-Chair, 2007-2008
- Los Angeles County Bar Association, Trust & Estate Section, Executive Committee, Past Member
- American Bar Association
- State Bar of California, Litigation Subcommittee for the Trusts and Estates Executive Committee

Education

- University of Southern California Gould School of Law, J.D.
- University of California, Los Angeles, B.A., Political Science

Bar Admissions

- California

Court Admissions

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- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Southern District of California

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Related Practices: Wealth Planning and Preservation | Private Companies | Private Wealth Services | Trusts, Estates and Fiduciary Dispute Resolution | Family Office Services

Nichole D. Scott is a partner in Holland & Knight's Miami office and is a member of the firm's Private Wealth Services Group. Ms. Scott develops and implements various structures for the transfer of wealth from one generation to the next and works with families to ensure that their wealth is preserved for as long as possible.

Ms. Scott is experienced in drafting complex trusts, wills and other estate planning instruments as well as in administering trusts and estates both during the life of the settlor and upon the death of the settlor/decedent. Further, Ms. Scott is experienced in protecting the rights of settlors and beneficiaries through trust and estate litigation.

In addition to estate planning and estate litigation, Ms. Scott is also experienced in asset protection planning, including premarital and postmarital planning and the creation of asset protection trusts.

Ms. Scott has been an adjunct professor at the University of Miami in the LL.M. Tax program since Fall 2008.

Honors & Awards

- *Who's Who Legal*: Private Client, 2015
- Rising Star, Florida *Super Lawyers* magazine, 2009-2010

Publications

- 2010 and Beyond – The Transfer Tax Odyssey, *Practical Tax Strategies*, April 1, 2010
- Charitable Trusts Allow You to Be a Benefactor and Take Care of Your Family, *Holland & Knight Newsletter*, October 1, 2004

Speaking Engagements

- Holland & Knight South Florida Wealth Conference, Moderator, Art Work and Collectibles, October 27, 2015
- Dade County Bar Association's Bench and Bar Conference, Moderator, Tax & Estate Law with the Giants, February 20, 2015

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- Holland & Knight Annual Wealth Conference for CPAs, International Estate Planning, October 21, 2014
- Tax and Estate Planning Issues for Clients Relocating to Florida, Lorman Education Services Conference, May 15, 2013
- What Every Estate Planner in Massachusetts Needs to Know About the Laws of the Other New England States and Florida, Massachusetts Continuing Legal Education (MCLE), Boston, MA, May 8, 2013
- The Role of Insurance Planning, Greater Boca Raton Estate Planning Council Dinner Meeting, April 23, 2013
- All Children's Hospital 15th Annual Estate, Tax, Legal & Financial Planning Seminar, Traditional Estate Planning: Setting A Course and Sailing into the Future, February 13, 2013
- Creation, Validity, Modification and Termination of Trusts, and Revocable Trusts, Lorman Education Services Rules of Trust Administration Seminar, June 5, 2012
- Paralegal's Role in Basic Estate Planning and Estate Administration, Speaker, September 28, 2010
- What Estate Planners Need to Know About the Laws of Other New England States and Florida, Speaker, May 25, 2010
- New Trust Code Law in Florida, Speaker, August 14, 2008

Memberships

- The Florida Bar, Real Property, Probate and Trust Law Section
- Dade County Bar Association, Probate and Guardianship Committee

Education

- University of Tennessee College of Law, J.D.
- University of Miami School of Law, LL.M.
- University of Tennessee, B.A.

Bar Admissions

- Florida

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William B. Sherman

Partner

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Related Practices: Taxation | International and Cross Border Transactions | Hospitality, Resort and Timeshare | Mergers and Acquisitions | Corporate Services | Offshore Tax Compliance | Insurance Transactions and Regulatory | Insurance Disputes - Insurers | Insurance Disputes - Policyholders | Latin America Practice | Israel Practice | Securitization

William B. Sherman is a partner in Holland & Knight's Fort Lauderdale office. Mr. Sherman serves as chair of the firm's Tax Team and concentrates his practice in the area of domestic and international taxation. He provides sophisticated tax planning for mergers and acquisitions, restructurings, joint ventures and investments for clients in diverse industries, such as hospitality, petrochemicals, aluminum, tobacco, real estate, transportation, telecommunications, retailing, investment management, pharmaceuticals and numerous others. In addition, Mr. Sherman has e perience in a broad range of tran action involving United State inve tment over ea , foreign investment in the U.S., as well as international, federal, state and local taxation issues involving structuring investment management funds, corporate reorganizations, partnerships, equipment leasing, Subchapter S, executive compensation, stock options, and trusts and estates.

Mr. Sherman is a well known lecturer and chairs the New York University's Summer Institute in Taxation's Introductory and Advanced International Tax Seminars and its Institute on Federal Taxation International Tax Program. Mr. Sherman is also an adjunct professor of Tax Law at the University of Miami, Graduate Tax Program. He is admitted to practice in New York and Florida and has served on numerous panels with The Florida Bar and the American Bar Association, where he is the immediate past chair of the American Bar Association's Tax Section Committee on U.S. Activities of Foreigners and Tax Treaties.

Experience

- **Tax Structuring**: advised on the tax structuring of the domestication of a foreign company engaged in U.S. government contracting work and its transition to domestic ownership; this tax structure enabled the company to retain its status in its home country
- **Tax Structuring**: advised on the tax structuring of a $200 million-plus investment in four venture real estate developments projects on an island in the Caribbean, resulting in a minimization of local and U.S. tax liability
- **State Taxation**: advised a foreign-based company on U.S. state tax issues, from tax rulings and tax registrations to minimization of overall tax consequences involving multiple states, in the context

of the company's restructuring and expansion of business in U.S. markets

Honors & Awards

- *The Best Lawyers in America* guide, Litigation and Controversy - Tax, 2005-2017; Tax Law, 2013-2017; Closely Held Companies and Family Business Law, 2014-2017
- *Chambers USA – America's Leading Business Lawyers* guide, Tax, 2009-2016
- Florida *Super Lawyers* magazine, 2015, 2016
- Martindale-Hubbell AV Preeminent Peer Review Rated

Publications

- A Comparison of Trump and House GOP Tax Reform Proposals, *Holland & Knight Alert*, November 29, 2016
- Proposed Section 83(b) Regulations May Benefit Nonresidents, *Bloomberg BNA Daily Tax Report*, January 28, 2016
- Protecting Americans from Tax Hikes Act Makes Substantial Changes to Tax Law, *Holland & Knight Alert*, December 29, 2015
- New Audit Rules Require Changes to Partnership and LLC Operating Agreements, *Holland & Knight Alert*, December 21, 2015
- U.S. Treasury Tries to Clamp Down on Tax Inversions, *Holland & Knight Tax Compliance Blog*, October 2, 2014
- IRS Announces Easing of FATCA Enforcement for 2014 and 2015, *Holland & Knight Alert*, May 5, 2014
- Income Tax Treaties, Chapter Co-Author, *A Guide to International Estate Planning, Drafting, Compliance and Administration Strategies*, December 2013
- The Taxman Cometh, Co-Author, *Association of Caribbean Corporate Counsel*, Winter 2013
- Post-Fiscal Cliff: What the New American Taxpayer Relief Act Does and Does Not Do, *Holland & Knight Alert*, January 2, 2013
- Tax Planning for U.S. Business Operations of Indian Enterprises, Co-Author, *International Taxation*, November 2011
- Understanding Key Provisions of the Tax Bill Passed by the Senate, *Holland & Knight Alert*, December 16, 2010
- IRS Announces Intention to Require Reporting of Uncertain Tax Positions by Certain Business Entities, *Holland & Knight Alert*, January 29, 2010
- NOL Carryback Period Extended to Five Years for Eligible Small Businesses, *Holland & Knight Alert*, March 24, 2009
- Pre–immigration Planning – What The Non-Resident Alien Should Do Prior To Immigrating To The United States, October 23, 2001
- U.S. Taxation of Foreign Controlled Businesses, Co-Author, *Warren, Gorham & Lamont*, 1995
- Foreign Investment in the United States, *John Wiley and Sons*, 1989

Speaking Engagements

- International Outbound Taxation, Florida Bar 35th Annual International Tax Conference, January 4-6, 2017
- NYU Institute on Federal Taxation, Chair, International Tax Program, October 23-28, 2016, New York; November 13-18, 2016, San Diego

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- NYU Summer Institute in Taxation, Subpart F; Case Studies for Outbound and Inbound Investment; International Mergers and Acquisitions: U.S. Tax Considerations and Planning Techniques, July 18-29, 2016
- U.S. Tax Issues for Foreign Persons Investing in U.S. Real Property – FIRPTA, PATH Act and More, Bloomberg BNA Conference, Miami, May 23, 2016
- An Overview of Fundamental U.S. Tax Considerations in Outbound Transactions, International Tax Bootcamp Florida Bar/FICPA International Tax Conference, January 6, 2016
- NYU Institute on Federal Taxation, Co-Chair; International Tax; The U.S. Tax Consequences of a Foreign Person Having an Employee or Agent in the U.S., October 25-30, 2015, New York; November 15-20, 2015, San Francisco
- Hot International Topics for the General Practitioner, Southern Federal Tax Institute, October 19-23, 2015
- Foreign Investments in U.S. Real Property, University of Florida Levin College of Law's Florida Tax Institute, April 22-24, 2015
- NYU Institute on Federal Taxation, Chair, Introduction to International Taxation; Advanced International Taxation, October 19-24, 2014, New York; November 16-21, 2014, San Diego
- NYU Summer Institute in Taxation, Co-Chair; Subpart F; Case Studies for Outbound and Inbound Investment; International Mergers and Acquisitions: U.S. Tax Considerations and Planning Techniques, July 14-25, 2014
- 7th Annual U.S. - Latin America Tax Planning Strategies Conference, American Bar Association, June 4-6, 2014
- Bloomberg BNA Intermediate U.S. International Tax, Subpart F – General Overview and Section 959; Foreign Base Company Income – Section 954, January 30, 2014
- Corporate Tax Update, Palm Beach Tax Institute, January 22, 2014
- FATCA's Impact on Non-US Financial Institution, Association of Caribbean Corporate Counsel's Summit, December 6, 2013
- NYU Institute on Federal Taxation, International Tax, October 20-25, 2013, New York; November 17-22, 2013, San Francisco
- NYU Summer Institute in Taxation, Chair, Introduction to International Taxation; Advanced International Taxation, July 15-26, 2013
- American Bar Association Section of Taxation 2013 May Meeting, Chair, US Activities of Foreigners & Tax Treaties, May 10, 2013
- International Tax, Panel Chair, Annual NYU Institute on Federal Taxation, New York, NY, October 22, 2012
- NYU Summer Institute in Taxation, Chair, Introduction to International Taxation; Advanced International Taxation, July 16 - 27, 2012
- What Does International Business Mean to You?, FICPA CPAs in Industry Conference, May 17, 2012
- Understanding the Subpart F Provisions, BNA CITE U.S. International Tax Reporting & Compliance Seminar, February 7, 2012
- Pre-Immigration Income and Wealth Tax Planning, 70th Institute on Federal Taxation, November 13, 2011
- Where Do We Go From Here: A Comparison of Alternatives When You and the IRS Agree to Disagree, Planning for Foreign Person's Sales of Goods into the U.S., ABA Section of Taxation and Section of Real Property, Trust & Estate Law, Trust & Estate Division 2011 Joint Fall CLE Meeting, October 20-22, 2011

- NYU Summer Institute in Taxation, Chair, International Mergers and Acquisitions: U.S. Tax Considerations and Planning Techniques, July 14, 2011
- Annual International Wealth Transfer Practices Conference: Private Clients, London, England, March 7-8, 2011
- CITE U.S. International Tax Reporting & Compliance Seminar, Speaker, February 7-8, 2011
- NYU Institute on Federal Taxation, November 18, 2010
- Joint Ventures, Co-ventures, Hybrids and Other Unusual and Creative Ideas for Increasing Visibility and Raising Revenue, Association of Corporate Counsel (ACC) Annual Meeting, October 26, 2010
- Association of Corporate Counsel (ACC) Annual Meeting, October 24, 2010
- International Tax, October 22 & November 29, 2010
- Fundamentals of International Taxation, October 21 & November 18, 2010
- International Tax, 69th Institute on Federal Taxation, October 22 & November 29, 2010
- U.S. International Tax Reporting & Compliance, February 22, 2010
- Introduction to U.S. International Tax, Understanding the U.S. International Tax System, January 25, 2010
- Summer Institute in Taxation, July 15, 2008
- 2008 US & Latin America Tax Planning Strategies Conference, June 11, 2008
- Advanced International Taxation, July 13, 2006
- Introduction to International Taxation, July 10, 2006

Memberships

- American College of Tax Counsel, Fellow
- New York University's Institute on Federal Taxation, Advisory Board
- American Bar Association, Section of Taxation, U.S. Activities of Foreigners and Tax Treaties Committee, Past Chair
- New York State Bar Association, Tax Law Section
- International Fiscal Association
- The Florida Bar, Tax Law Section

Education

- Brooklyn Law School, J.D., *with honors*
- Brooklyn College of the City University of New York, B.A., *cum laude*
- New York University School of Law, LL.M., Taxation

Bar Admissions

- New York
- Florida

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Related Practices: Private Wealth Services | Trusts, Estates and Fiduciary Dispute Resolution | Wealth Planning and Preservation | Nonprofit and Tax-Exempt Organizations

Vivian Lee Thoreen chairs the firm's California Private Wealth Services Group. She is a litigator and experienced trial attorney whose practice – both in Superior Court and in the California Courts of Appeal – focuses on complex trust, estate, conservatorship and guardianship matters. She represents individuals, families, charities and financial institutions in cases including will and trust disputes, contested conservatorships and guardianships, breach of fiduciary duty matters, and elder abuse matters. Ms. Thoreen's experience includes some of the most sensitive and high-profile cases in her field. Whether the matters can be resolved by mediation or require trial, Ms. Thoreen's clients benefit from her deep personal commitment and nuanced grasp of law and often byzantine facts.

An active member of the community, Ms. Thoreen is a Fellow of the American College of Trust and Estate Counsel and serves on the State Bar of California Trusts & Estates Section executive committee and the board of California Hospital Medical Center Foundation. She is an active member of and previously served on the board of governors of the Korean American Bar Association. She has been a member of the Los Angeles County Bar Association Trusts and Estates Section executive committee and the board of directors of the Los Angeles County Bar Foundation, and is an active member of the National Asian Pacific American Bar Association. Ms. Thoreen also provides pro bono services through Bet Tzedek, Public Counsel and the Alliance for Children's Rights.

Published opinions

- *Estate of Pryor* (2009) 177 Cal.App.4th 1466
- *Pryor v. Pryor* (2009) 177 Cal.App.4th 1448

Unpublished opinions

- *Estate of Banayot* (2009 WL 3338310)
- *Siegel v. Mitchell Silberberg & Knupp* (2008 WL 204645)
- *Newman v. Locke* (2006 WL 990244)

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Honors & Awards

- *Chambers High Net Worth* guide, Private Wealth Law: Southern California, 2016
- Guide to the World's Leading Trusts and Estates Lawyers, Legal Media Group's *Expert Guides*, 2015
- Southern California *Super Lawyers* magazine, 2014-2016
- *The Best Lawyers in America* guide, Litigation - Trusts and Estates, 2014-2017; Trusts and Estates, 2015-2017
- Rising Star, Minority Corporate Counsel Association, *Diversity of The Bar,* 2013
- Leadership Council on Legal Diversity, Fellows Program, 2013
- 50 Fast Track Lawyers, *The Recorder*, 2012
- Rising Star, Southern California *Super Lawyers* magazine, 2007, 2009-2013
- Five Associates to Watch, California *Daily Journal*, January 12, 2011
- The Minority 40 Under 40, *The National Law Journal*, 2011
- Best Lawyers Under 40, National Asian Pacific American Bar Association, 2011
- Rising Stars, Holland & Knight, 2010
- Editor-in-Chief, UCLA School of Law, *Asian Pacific American Law Journal*

Publications

- Remedies for Elder Financial Abuse *California Trusts and Estates Quarterly*, Vol. 22, Issue 2, 2016
- FINRA Proposal Lets Financial Firms Hold Funds of Elder Abuse Victims, *Holland & Knight Alert*, September 30, 2015
- What Every Trusts and Estates Practitioner Needs to Know About Elder Financial Abuse, Vol. 20, Issue 1, *California Trusts and Estates Quarterly*, 2014
- Enforcing Arbitration Clauses in Wills and Trusts - Is California Next?, Vol. 19, Issue 2, *California Trusts and Estates Quarterly*, 2013

Speaking Engagements

- Should Your Client Sign That? Helping You Survive Your Clients' Changing Capacity, The Fortieth Annual Fall Program For The State Bar Of California, October 28, 2016
- Practice Management Part 2: Fiduciary Litigation Practical Guide and Insights on Affiliations with Financial Advisers: Costs, Ethics, and Best Practices, Professional Fiduciary Association of California Educational Meeting, Southern Region, October 26, 2016
- Should Your Client Sign That? Helping You Survive Your Clients' Changing Capacity, 89th Annual Meeting Of The State Bar Of California, September 30, 2016
- Trends in Trust and Estate Litigation and Elder Financial Abuse, Holland & Knight 2015 Wealth Conference in California, September 27-28, 2016
- Show Me the Money: Insights on Petitions and Motions for Attorney's Fees, Los Angeles County Bar Association, 2016 Trusts & Estates Symposium, September 23, 2016
- Mickey Rooney: A Story of Elder Abuse and the Lessons that Can be Learned, South Bay Inns of Court, May 18, 2016
- Elder Investment Fraud And Financial Exploitation – Strategies For Elder Abuse Litigation: The Mickey Rooney Case, California District Attorneys Association (CDAA) National Elder & Dependent Adult Abuse Symposium, December 2, 2015

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- Understanding The Remedies Available For Financial Elder Abuse, The Thirty-Ninth Annual Fall Program For The State Bar Of California, November 20, 2015
- Estate Planning To Avoid Litigation: Strategies To Turn What May Seem Inevitable To Avoidable, The Thirty-Ninth Annual Fall Program For The State Bar Of California, November 20, 2015
- Holland & Knight 2015 Wealth Conference in California, Trends in Trust and Estate Litigation and Issue-Spotting for Avoiding Litigation, November 17-18, 2015
- Trends In Fiduciary Litigation: What Every Attorney-CPA Should Know, American Association Of Attorney-Certified Public Accountants (AAA-CPA) 2015 Fall Meeting & Education Conference, November 14, 2015
- Elder Investment Fraud And Financial Exploitation – Strategies For Elder Abuse Litigation: The Mickey Rooney Case, Oklahoma Annual Meeting, November 4, 2015
- Understanding The Remedies Available For Financial Elder Abuse, 88th Annual Meeting Of The State Bar Of California, October 9, 2015
- Estate Planning To Avoid Litigation: Strategies To Turn What May Seem Inevitable To Avoidable, 88th Annual Meeting Of The State Bar Of California, October 9, 2015
- Estate Planning To Avoid Litigation, Sacramento Estate Planning Council, September 23, 2015
- Privilege And Ethical Issues Surrounding Trust & Estate Litigation, Holland & Knight Institute, August 20, 2015
- The Desirability and Enforceability of Arbitration Clauses in Trusts, The American College of Trust and Estate Counsel, 2014 California Fellows Meeting, November 14, 2014
- The Desirability and Enforceability of Arbitration Clauses in Testamentary Documents, Holland & Knight Program, August 20, 2014
- An Overview of Elder Financial Abuse for the Trust & Estate Practitioner, Baker Manock & Jensen PC Continuing Legal Education Conference, January 24, 2014
- Identifying Financial Elder Abuse and Advising Your Client in Pursuit of Legal Remedies, The State Bar of California Trusts and Estates Section 37th Annual Fall Program, November 15, 2013
- Financial Elder Abuse in the Asian Pacific American Community & Litigating Such Cases From Start To Finish, National Asian Pacific American Bar Association, Annual Convention, Kansas City, MO, November 9, 2013
- Identifying Financial Elder Abuse and Advising Your Client in Pursuit of Legal Remedies, The State Bar of California 86th Annual Meeting, October 10-13, 2013
- Ethical Issues Involving Elder Abuse in Probate Proceedings, 8th Annual Conference on Elder Abuse, May 21, 2013
- Financial Elder Abuse - Strategies for Litigating a Case from Start to Finish - Lessons from Mickey Rooney, ABA YLD Spring Conference, May 17, 2013
- Primer on International Aspects of Trusts & Estates Disputes, The Bar Association of San Francisco Panel Discussion, April 2, 2013
- Probate Litigation: Key Issues for Attorneys, San Diego County Bar Association, October 3, 2012
- Elder Financial Abuse: Protecting the Aging Client from the Den of Thieves, Holland & Knight Institute, July 18, 2012
- Prosecuting and Defending Influence, Due and Undue, ALI CLE Annual Advanced Course of Study for the Estate Planner, Litigator and Corporate Fiduciary Counsel, July 12, 2012
- Heckerling Institute on Estate Planning, Elder Financial Abuse: Protecting the Aging Client from the Den of Thieves, January 9-13, 2012
- Elder Financial Abuse, ABA Non-Tax Issues Affecting the Planning and Administration of Estates and Trusts Committee, December 7, 2011

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- Planning Ahead & Legal Issues: What Seniors Need to Know, Panelist, National Summit on Elder Financial Exploitation, November 2, 2011
- Lack of Capacity and Undue Influence – Issues Planners and Other Lawyers Should Consider from the Viewpoint of our Dispute Resolution Attorneys, Co-Speaker, Holland & Knight Institute, July 21, 2010
- Terror No More: The Death of No-Contest Clauses in California?, Panelist, 82nd Annual Meeting of the State Bar of California, September 12, 2009
- Recent Developments in California Estate, Trust and Conservatorship Litigation, Holland & Knight Program, October 14, 2008
- Losing Ground: Retention of APIAs in the Law, Moderator and Panelist, National Asian Pacific American Bar Association 4th Annual Regional Conference, June 9, 2007
- The New No Contest Clause Legislation, Panelist, The Rutter Group, April 16, 2006
- The ABCs of Wills and Trusts: What You Need to Know to Protect Your Loved Ones, Co-Speaker, Korean American Bar Association, Los Angeles, CA, October 13, 2005
- Ethics for Newish Attorneys, Co-Speaker, Beverly Hills Bar Association, Beverly Hills, CA, July 7, 2005
- New Legislative Issues in Estate Planning, Co-Speaker, Jonathan Club, Los Angeles, CA, January 28, 2004

Memberships

- American College of Trust and Estate Counsel (ACTEC), Fellow
- State Bar of California, Trust and Estates Section Executive Committee
- Korean American Bar Association
- National Asian Pacific American Bar Association, Member and 2010 Convention Planning Committee
- Los Angeles County Bar Association, Trusts & Estates Section

Education

- UCLA School of Law, J.D.
- Stanford University, B.A., Linguistics
- Stanford University, M.A., Sociology

Bar Admissions

- California

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