

Gary S. Betensky

Of Counsel

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Overview

Gary Betensky, a seasoned litigator, represents clients in complex business disputes and dispute resolution in his civil trial practice. He is distinguished as a specialist and expert through his board certification by The Florida Bar in business litigation law, which recognizes special knowledge, skills and proficiency in business litigation law, professionalism and ethics.

Gary has more than 40 years of experience in the trial, litigation and resolution of complex matters. His representation has included matters involving claims of fraud, interference with business relationships, violations of non-compete/ non-solicitation agreements, theft of trade secrets, limited liability company member disputes, officer and director liability, wrongful termination of employment, and defamation. He has also represented clients in matters involving contract and real estate disputes, defense of SEC actions, Attorney General and state financial regulatory investigations, and Bar complaints. In addition, Gary has successfully handled financial services industry and civil rights class action cases, which were settled in excess of $10 million.

Practices & Industries

- Class Action Litigation
- Complex Commercial Litigation
- Intellectual Property Litigation
- Litigation
- Mass Tort Litigation
- Product Liability & Torts Litigation

Experience

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.

Successfully prosecuted clients' claims against former employer for non-payment of earned commissions and successfully defended clients against former employer's claims that clients violated non-competition agreements and misappropriated trade secrets; obtained ruling from court that bifurcated the case to proceed to trial on clients' claims of non-payment of contractual commissions before continued litigation of former employer's claims, prevailing at trial on clients' contractual claims, nullifying the claims of the former employer and awarding client damages and attorney fees of $1.2 million

Successfully settled matter for prominent marketing firm against two former employees, both officers, in state court suit for injunctive relief for breach of a non-compete agreement and for misappropriation and theft of trade secrets, and against the successor employer, for conspiracy to misappropriate confidential information, as well as in arbitration against former employees commenced claiming close to $5M in damages for an alleged unpaid equity position in the company

Defended several clients in both state and federal court actions (8 cases in total) against product liability claims, including strict liability, negligence, fraud and negligent misrepresentation, where client was alleged to have manufactured, marketed and sold its popular, century old product used as a bowel prep for certain medical procedures such as colonoscopy, while purportedly knowing that the product was unreasonably dangerous and that its ingestion caused acute renal failure, and also violated FDA labeling and other regulations; cases were transferred or submitted to a multi-district litigation in Ohio, where they were resolved as part of a global nationwide settlement process

Prosecuted claim on behalf of client to settlement, where competitor inserted client's registered service mark into the hidden keyword "metatags" on its website in an effort to divert web traffic from client to competitor

Successfully represented investors against two land development entities following their loss of a $1.25 million investment to develop property where the defendants failed to repay the investment plus a contractually promised preferred return; despite defendants assertion of a number of defenses, including an allegation that the two individual investors had not signed the final version of the investment agreement which forced a reformation action, and following extensive investigation and discovery, the trial court entered a final summary judgment in favor of the investors on all claims for the full sum sought $5.53 million against the defendants

Negotiated an extensive and favorable settlement agreement ultimately approved by the federal court judge overseeing the receivership for two brothers being sued in state and federal court in Florida and California by the receiver in a widely-publicized Ponzi scheme case originally initiated by the Securities and Exchange Commission against a record label and its principals

Successfully represented several successful prominent Haitian businessmen in defamation lawsuits in federal court against a widely-distributed Haitian newspaper and popular Florida-based Haitian news website, where the defendants made highly defamatory and false statements about the clients; secured judgments against the defendants for over $10 million

Successfully challenged the constitutionality of the Broward Sheriff's Office strip search policy, which mandated the strip search of all misdemeanor arrestees regardless of whether the arrests involved weapons, drugs or stolen property, under then-Sheriff Kenneth C. Jenne in a certified class action lawsuit that was upheld on appeal by Florida's Fourth District Court of Appeal; Arduous and complicated settlement negotiations that spanned over a year culminated in an $11.5 million settlement

Education and Credentials

Education

Nova Southeastern University Shepard Broad College of Law, J.D., *The Law Review*, Notes and Comments Editor; Moot Court Board, Officer

Boston University, B.S. in Public Communication

Admissions

State of Florida

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. Court of Appeals for the Eleventh Circuit

Affiliations

Faulk Center for Counseling, Board of Trustees

Palm Beach County Department of Health Environmental Control Hearing Board, Chair

The Florida Bar, Professional Ethics and Grievance Committees, Past-Chair

South Palm Beach County Bar Association, Corporate and Business Law Committee, Co-Chair

Palm Beach Judicial Campaign Practices Commission, Past-Appointee

American Bar Association, Litigation Section, Business Torts and Unfair Competition Committee, Past Vice-Chair and Journal Editor

American Jewish Committee, Palm Beach Regional Office, Executive Committee and Board of Directors, Past President

Anti-Defamation League, Florida Regional Board, Former Chairman; National Commissioner

Recognition and Community

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome. See Awards Methodology.

Recognitions

Selected to the Top Lawyers list in the Commercial Litigation category by the *Boca Raton Observer* (A&A Publishing Corp) and DataJoe, 2022-2023

Board Certified by The Florida Bar in Business Litigation

Chosen for inclusion in *The Best Lawyers in America* (Woodward/White, Inc.), Commercial Litigation, 2010-2027, Real Estate Litigation, 2010-2027

Selected to the list of Florida *Super Lawyers*®, Business Litigation, 2006-2026

Selected to the list of "Most Effective Lawyers" by *Daily Business Review*, 2008

Commendation from the Florida Supreme Court and the Legal Aid Society of Palm Beach County for pro bono work

AV Preeminent rated by Martindale-Hubbell (LexisNexis)

Insights

Day Pitney Sponsors 18th Annual Festival of the Arts BOCA
March 1, 2024

"2023 Bench Bar Conference: Alternative Dispute Resolution," Palm Beach County Bar Association
March 10, 2023

"Faulk Center 50th Anniversary Gala", Day Pitney
March 10, 2023

Gary Betensky Attends 60th Annual Installation Dinner of the South Palm Beach County Bar Association
April 30, 2022

Florida Governor Issues Stay-at-Home Order, Designates Essential Services During COVID-19 Pandemic
April 7, 2020

News

Gary S. Betensky Reelected as Chair of the Palm Beach County Environmental Control Hearing Board
October 19, 2023

Gary S. Betensky Reappointed as Chair of the Palm Beach County Environmental Control Hearing Board
May 12, 2023

Day Pitney Co-Sponsors South Palm Beach County Bar Association Lunch and Learn on the Impact of the New Secure Act
March 29, 2023

Day Pitney Sponsors Friends of Faulk Celebration Luncheon
September 14, 2022

Gary Betensky Appointed Co-Chair of the Corporate and Business Law Committee of the South Palm Beach County Bar Association
June 14, 2022

Gary Betensky Appointed to the Board of Trustees of the Elizabeth H. Faulk Foundation
June 9, 2022

Gary Betensky Thanks West Palm Beach for Adopting the International Holocaust Remembrance Alliance Definition of Antisemitism
April 18, 2022

Gary Betensky Appointed Vice-Chair of Business Torts & Unfair Competition Committee of the American Bar Association
September 16, 2020

Gary Betensky Appointed Vice Chair of the Professional Ethics Committee of The Florida Bar Committee
June 5, 2020

Partner Gary Betensky Appointed to Palm Beach County Environmental Control Hearing Board
February 21, 2020

Day Pitney Partner Gary S. Betensky Appointed a Journal Editor of ABA Business Torts and Unfair Competition Committee
November 11, 2019

Day Pitney LLP: Firm Expands to Better Serve South Florida Clients
March 19, 2022

Gary Betensky Reappointed to the Executive Committee of the Ambassadors Board of Nova Southeastern University | Fall 2018
September 26, 2018

Gary Betensky Reappointed to the Executive Committee of the Ambassadors Board of Nova Southeastern University
September 26, 2018

Gary Betensky Reappointed to Serve on The Florida Bar's Professional Ethics Committee
September 26, 2018

Gary Betensky Recertified
December 19, 2017

Gary Betensky Reappointed to the Executive Committee of the Ambassadors Board of Nova Southeastern University | Summer 2017
June 20, 2017

Gary Betensky Receives Special Commendation for His Pro Bono Work Representing Children
June 20, 2017

Gary S. Betensky Reappointed to Serve on The Florida Bar's Professional Ethics Committee
May 6, 2015

Richman Greer Uses Winning Strategies to Obtain Substantial Personal Injury Settlement
January 26, 2015

Richman Greer Attorneys Obtain $1 Million in Damages for Prominent Businessman in Defamation Lawsuit
August 6, 2014

In The Media

Top Lawyers in 2023
Boca Raton Observer, August 30, 2023

"Civil Discourse and Difficult Decisions – Legal Skills as Life Skills," United States District Court, Southern District of Florida
March 1, 2023

Top Lawyer 2022; Boca Raton Observer
Boca Raton Observer, September 2022

Gary Betensky Featured in Boca Raton Observer
Boca Raton Observer, February 25, 2022

People on the Move
Sun Sentinel, October 25, 2021

Gary S. Betensky Elected as Chair of the Palm Beach County Environmental Control Hearing Board
Palm Beach County Environmental Control Hearing Board, October 13, 2021

Betensky and Napoleone Commended for Pro Bono Work by Legal Aid Society of Palm Beach County
Legal Aid Society of Palm Beach County & Florida Pro Bono Coordinators Association, August 9, 2021

I Know the Man': Meet Adam Myron, Who's Running for Judge in South Florida
Daily Business Review, September 23, 2020

Gary Betensky Presents American Jewish Committee Advocacy in Action Keynote Speech
December 12, 2019

11th Circ. Revives Haitian Businessman's Defamation Suit
Law360, June 21, 2019

Day Pitney and Richman Greer Complete Merger, Further Expanding Presence in Florida
Day Pitney Press Release, January 1, 2019

Gag Order on Hologram USA Founder Alki David Rejected as Unconstitutional
The Hollywood Reporter, January 6, 2016

Telemarketing Cost-Effective But Can Spell Disaster
Daily Business Review, March 8, 2013