



## Manuel Garcia-Linares

*Partner*

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### OVERVIEW

Manuel "Manny" Garcia-Linares advises clients in the areas of complex commercial and business litigation, officer and director liability, real estate, probate and trust, professional malpractice (legal and accounting), and class action litigation. He also handles corporate, transactional and estate planning matters for the firm.

Manny is a licensed Certified Public Accountant in the State of Florida. He has lectured and written articles on accounting malpractice and document retention policies.

Manny was a judicial intern to the Honorable George Arceneaux, Jr., for the U.S. District Court for the Eastern District of Louisiana, and a law clerk to the Honorable Juan Ramirez, Jr., at the Eleventh Judicial Circuit in Miami, Florida.

### EXPERIENCE

Successfully represented putative class members in an appeal of an order granting a motion to dismiss before the U.S. Court of Appeals for the Eleventh Circuit in matter alleging breach of agreements with customers and negligence for charging fees that were greater than the costs to execute a trade where defendant generated profits from these fees when it had agreed to charge no more than the costs of executing a trade; subsequently, plaintiffs' motion to certify the class action was granted for matter valued in excess of \$15 million

Represents a Fortune 500 insurance exchange for United States military personnel and their families, defending against allegations by former legal service provider for *inter alia*, breach of contract, fraud in the inducement, negligent misrepresentation and *quantum meruit* for \$20-30 million; also, represent client in counterclaims for legal malpractice in its handling of personal injury cases, breach of fiduciary duty based on its providing unethical and incorrect legal advice, fraudulent and negligent representation with respect to the billing of enhanced fees and unjust enrichment for work that was

paid but never performed in a number of flat fee cases

Represents a U.S. direct broadcast satellite service provider in a class action alleging violations of the Telephone Consumer Protection Act of 1991 and damages in excess of \$5 million; after briefing, the court entered an order granting client's Motion to Compel Arbitration

Represents leading international jewelry company in the defense of a lawsuit filed against the jeweler in Eleventh Judicial Circuit of Florida, by a retail jewelry store alleging that the jeweler wrongfully terminated its rights to franchise and distribute the client's jewelry in South America; after a full evidentiary hearing, the court dismissed the plaintiff's Motion for Temporary Injunction to prevent client from terminating its franchise and distribution operations and subsequently, granted client's Motion to Compel Arbitration, entering an order finding that all claims asserted by the plaintiff are subject to arbitration to the Danish Institute of Arbitration

Represents an American multinational investment bank and financial services corporation in defense of a multi-plaintiff lawsuit filed by a group of investors and creditors of a bankrupt Mexican oil services company against the bank in the Southern District of Florida, alleging in a seven-count complaint violations of the Federal Racketeer Influenced and Corrupt Organization Act (RICO), conspiracy to violate the same, and additional common law counts for fraud, aiding and abetting fraud, conspiracy to commit fraud and breach of fiduciary duty with regards to multiple, complex financial transactions and claiming \$1.1 billion in losses; successfully moved to dismiss the suit on the basis of *forum non conveniens*, arguing that Mexico was the appropriate forum

Successfully represented U.S. direct broadcast satellite service provider in actions against various U.S. and Bahamian Companies for injunctive relief, civil conspiracy, conversion and violations of federal law for receiving and assisting others in receiving satellite signals in violation of 47 USC section 605(a) and unauthorized reception of communication services in violation of Florida Statute section 812.15

Represents a professional baseball pitcher, currently with the New York Yankees, in various matters, including a matter pending before the trial court of the Massachusetts Superior Court for breach of contract, valued at \$2-3 million; court entered an order of dismissal and no appeal was taken

## **SERVICES**

**COMPLEX COMMERCIAL LITIGATION**

**EMPLOYMENT LITIGATION**

**LITIGATION**

**MASS TORT LITIGATION**

**FIDUCIARY AND PROBATE LITIGATION**

**PRODUCT LIABILITY AND TORTS LITIGATION**

**PROFESSIONAL LIABILITY**

## **INDUSTRIES**

**CONSUMER FINANCE AND CREDITORS' RIGHTS**

**INTELLECTUAL PROPERTY LITIGATION**

**REAL ESTATE LITIGATION**

## **INSIGHTS**

**DAY PITNEY INTELLECTUAL PROPERTY AND LITIGATION PARTNERS HOST COCKTAIL RECEPTION IN MIAMI**

Co-host, November 16, 2022, Nobu and Eden Roc Hotel, Miami, FL

**COVID-19 IMPACT ON FLORIDA REAL ESTATE - LIMITED EXTENSION OF MORTGAGE FORECLOSURE AND EVICTION RELIEF UNTIL OCTOBER 1, 2020**

Co-author, September 18, 2020, *Day Pitney Advisory*

**COVID-19 IMPACT ON FLORIDA REAL ESTATE - LIMITED EXTENSION OF MORTGAGE FORECLOSURE AND EVICTION RELIEF UNTIL SEPTEMBER 1, 2020**

Co-author, August 4, 2020, *Day Pitney Advisory*

**COVID-19 IMPACT ON FLORIDA REAL ESTATE - SUSPENDING FORECLOSURES AND RESIDENTIAL EVICTIONS UNTIL AUGUST 1, 2020**

Co-author, July 8, 2020, *Day Pitney Advisory*

**COVID-19 IMPACT ON TAX FILINGS IN FLORIDA**

Co-author, April 28, 2020, *Day Pitney Advisory*

## **NEWS**

**2022 HISPANIC NATIONAL BAR ASSOCIATION ANNUAL CONVENTION**

Featured, September 7-9, 2022, *Day Pitney Press Release*

**CHAMBERS USA 2022 RANKS 34 DAY PITNEY ATTORNEYS AND 13 PRACTICES**

Featured, June 1, 2022, *Day Pitney Press Release*

**DAY PITNEY SUPPORTS 16TH ANNUAL FESTIVAL OF THE ARTS BOCA**

Mentioned, March 25, 2022, *Florida Bar News*

**LEADING THE WAY: MANUEL GARCIA-LINARES ON WHAT LAWYERS WANT FROM FIRM LEADERS, THE PROS OF GOING REMOTE, AND MENTAL HEALTH**

Featured, October 20, 2021, *Daily Business Review*

**LEADING THE WAY: HOW SOUTH FLORIDA LAW FIRM LEADERS ARE NAVIGATING NOVEL**

## CHALLENGES

Quoted, December 29, 2021, *Daily Business Review*

## EDUCATION AND CREDENTIALS

### EDUCATION

Tulane University Law School, J.D.

University of Miami, B.A.

### ADMISSIONS

State of Florida

### AFFILIATIONS

American Bar Association

Cuban American Bar Association

Cuban American Bar Foundation

Dade County Bar Association

Florida Institute of Certified Public Accountants

Cuban American Certified Public Accountants Association

## RECOGNITION AND COMMUNITY

### RECOGNITION

Selected as the Litigation – Real Estate Lawyer of the Year for the Miami Metro Area by *The Best Lawyers in America* (Woodward/White, Inc.), 2023

Chosen for inclusion in the *Chambers USA Legal Directory* (Chambers & Partners) as a leading Litigation: General Commercial attorney in Florida, 2013-2022

Selected to the list of Florida *Super Lawyers* (Thomson Reuters), Business Litigation, 2007-2022

Chosen for inclusion in *The Best Lawyers in America* (Woodward/White, Inc.), Bet-the-Company Litigation, 2017-2023, Commercial Litigation, 2010-2023, Litigation - Banking and Finance, 2011-2023, Litigation - Construction, 2011-2023, Litigation - Real Estate, 2011-2023

Selected to list of *South Florida's Top Lawyers* by the *South Florida Legal Guide*, 2001-2020

Chosen for inclusion on the list *Florida Legal Elite* by *Florida Trend* (Trend Magazines Inc.), 2007-2018

Name a finalist for the list of "Most Effective Lawyers" in Class Actions category by *Daily Business Review* (ALM Media Properties, LLC), 2008

Selected as a Up & Comers Award Finalist by *South Florida Business Journal* (American City Business Journals), 2008

Union Planters Bank Young Hispanic Leadership Award for Distinguished Professional Accomplishments and Community Service, 2000

David L. Herman Award and the American Jurisprudence Award for Legal Professionalism , Tulane Law School

*No aspect of these advertisements has been approved by the highest court of any state. See [Awards Methodology](#).*

## **COMMUNITY**

City of Coral Gables Retirement Board, Board Member and Former Chair

City of Coral Gables Partnership Committee, Board Member and Former Chair

Our Lady of Lourdes Academy, Board of Trustees, Chair

Belen Jesuit Preparatory School Alumni Association, Board Member

Belen Jesuit Preparatory School Board, Leadership Development Group, Former Board Member

Belen Alumni Lawyers Section, Board, Immediate Past Chair

St. Theresa School Board, Former Vice President