



## Edward G. Guedes

Ed is the Chair of our Appellate Practice Group. He is Board Certified by The Florida Bar in the field of Appellate Practice and a former finalist nominee to serve on the Florida Supreme Court. He is also chief appellate and trial support counsel for a national supermarket chain concerning all of their premises liability cases in South Florida.

Ed's broad appellate practice encompasses significant representations in fields as diverse as medical malpractice defense, premises liability defense, intellectual property, land use and zoning law, election law, constitutional law, civil rights law, and employment and labor defense, to name a few. Among those representations are:

- Obtained favorable unanimous decision from Florida Supreme Court restricting the subpoena power of Florida trial courts to compel out-of-state corporations to produce valuable proprietary documents in Florida and overturning adverse intermediate appellate decisions being applied throughout the state;
- Overturned on appeal multi-million dollar jury verdict against plastic surgeon in medical malpractice claim asserting negligent design and execution of procedures;
- Successfully defended multi-national corporate manufacturer of breath-alcohol testing instruments used by law enforcement throughout the State of Florida against declaratory judgment action challenging corporation's ownership of intellectual property associated with the instruments;
- Successfully defended at trial and through appeal to the United States Supreme Court a municipal charter provision setting forth an oath of office for elected officials. The oath was challenged on First Amendment grounds because it required the office holder to swear or affirm to support the constitutions and governments of the United States and the State of Florida;
- Successfully litigated on behalf of State and local governmental entities concerning the interpretation of vested rights statute conferring development rights on owners of more than 12,000 residential lots in the Florida Keys and affecting all Areas of Critical State Concern throughout the State of Florida;
- Successfully litigated and defended on appeal multi-million dollar class action for unpaid overtime waged under the Fair Labor Standards Act;
- Upheld multi-million dollar ad valorem tax exemption for municipal marina competing with privately owned marinas;
- Successfully defended against constitutional challenge authority of local governmental entity to regulate and restrict ownership of animals within community;
- Successfully asserted a constitutional challenge to a municipal ordinance precluding private country club from fencing its property over the objections of surrounding neighbors, who asserted a historical right to a view onto and across the club property;
- Successfully defended constitutional challenge to municipal charter provision allowing for appointment of official to fill vacancy on elected body;
- Overturned on appeal denial of development approval for 300-unit trailer park in South Miami-Dade County;
- Overturned on appeal to the Eleventh Circuit Court of Appeals lower court's injunction halting all limestone mining in the Lake Belt region of South Florida;
- Overturned on appeal order requiring privately owned hospital under contract with local government to comply with Florida's public records laws;
- In case of first impression interpreting statutory burdens of proof, overturned on appeal adverse discovery order requiring supermarket chain to review and divulge tens of thousands of records for more than 1000 stores;
- Successfully represented the Cuban American Bar Association as amicus curiae in en banc proceedings before the Eleventh Circuit Court of Appeals in connection with a panel opinion that had vacated the conviction of five Cuban spies operating in South Florida;
- Wide-ranging experience defending at trial and on appeal against civil rights claims asserted under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the American with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act and the Florida Civil Rights Act of 1992.

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## Practice Areas

- Administrative and Regulatory Law
- Appellate Law
- Appellate Practice Group
- Bankruptcy and Creditor's Rights Group
- Education Law
- Election Law
- Litigation Division
- Local Counsel Representation
- Real Estate, Land Use and Zoning Litigation
- Special Counsel to Local Government

## Bar Admissions

- Florida, 1988
- U.S. Court of Appeals, 9<sup>th</sup> Circuit, 2010
- U.S. Court of Appeals, 11<sup>th</sup> Circuit, 1996
- U.S. District Court, Southern District of Florida, 1999
- U.S. Supreme Court, 1998
- U.S. Second Circuit Court of Appeals, 2013

## Education

- Harvard University Law School  
JD, 1988
- Amherst College,  
BA, *magna cum laude*, 1985
- John Woodruff Simpson Fellowship for the  
Study of Law

Ed has held leadership positions in The Florida Bar Appellate Court Rules Committee and the Dade County Bar Association's Appellate Court Committee. He is the recipient of numerous awards and accolades from his professional peers, having been recognized year over year in The Best Lawyers in America, Florida Super Lawyers Magazine, and Florida Legal Elite Top Lawyers. He holds



## Publications

- "En Banc Eleventh Circuit Vindicates Fairness of Cuban Spies' Trial In Miami," *CABA Briefs, Cuban American Bar Association*, Fall 2006
- "Financial Exposure- Is There Relief When a Plaintiff is Authorized to Pry Into a Defendant's Financial Records?" *Smart Business Miami*, January 2006 (co-author with Arthur J. England, Jr.)
- "Sex-Or is that Gender? How the Federal Courts Have Failed to Develop a Unified Theory for Addressing Workplace Discrimination Claims Related to Sexually Related Status or Conduct," *2004 Employment Law Update*, Aspen Publishers, 2004
- "Is there Light at the End of the Quasi-Judicial Tunnel?" *The Florida Bar Journal*, Vol. XXVII, No. 1, November 2003
- "Don't Ask, Don't Tell...At Work or in Court – The Conflict Between the Supreme Court's Decisions in Oncale and Price Waterhouse," *The Labor Lawyer, American Bar Association*, Vol. 18, No.3, Winter/Spring 2003, 18 the Labor Lawyer 337 (2003)
- "The Proverbial Get Out of Jail Free Card – The Ninth Circuit's Treatment of Addiction Under Hernandez v. Hughes Missile Systems Co.," *The Florida Bar Journal*, Vol. LXXVI, No. 11, December 2002
- "Open the Window and Let Some Fresh Air In: The Window of Correction After Davis v. City of Hollywood," *Stetson Law Review*, Vol. XXIX, Winter 2000, No. 3
- "Smith v. Midland Brake, Inc. – Writing Affirmative Action into the Americans with Disabilities Act," *The Florida Bar Journal*, Vol. LXXIII, No. 9, October 1999.

## Awards and Recognitions

- "Florida Super Lawyers", 2019
- "Chambers and Partners", Litigation: Appellate - Florida, Band 3, 2018
- "Chambers and Partners", *Litigation: Appellate - Florida, Band 3, 2016*
- "Top Lawyers", *South Florida Legal Guide 2013 - present*
- "Best Lawyers, Appellate Law", *Best Lawyers 2015-2019*
- "Super Lawyers", *Super Lawyers 2015-2018*
- Board Certified in Appellate Practice by The Florida Bar
- *The Best Lawyers in America*® in the practice area of Appellate Law, 2008-Present
- "Florida Legal Elite," *Florida Trend*, 2007, 2013, 2014
- "AV Preeminent 5.0," *Martindale Hubbell*
- "Florida Super Lawyer," *Florida SuperLawyers*, 2006-present
- "Best of the Bar," *South Florida Business Journal*, 2003

## Professional/Civic Activities

- President, The Florida Supreme Court Historical Society, 2017
- The Florida Bar Appellate Court Rules Committee
- Chairman, The Florida Bar ACRC Civil Rules Subcommittee, 2005-2006
- Chairman, The Florida Bar ACRC Amicus Curiae Subcommittee, 2004-2005
- Vice Chairman, The Florida Bar ACRC Amicus Curiae Subcommittee, 2002-2003
- Chairman, Dade County Bar Association Appellate Court Committee, 2003-2004
- Vice Chairman, Dade County Bar Association Appellate Court Committee, 2002-2003
- Cuban American Bar Association
- Co-Chair, Third District Court of Appeal 50th Anniversary Committee, 2004-2007
- American Bar Association
- Appellate Judges Conference - Council of Appellate Lawyers
- Retail and Hospitality Committee, Defense Research Institute
- Federal Bar Association, South Florida Chapter



- Board of Trustees, Supreme Court of Florida Historical Society
- Board Member, Third District Court of Appeal Historical Society
- 11th Judicial Circuit Historical Society; Centennial Celebration Steering Committee

## Presentations

- Trial Preparation CLE Seminar, "Preservation on Appeal," *The Florida Bar Association Board of Governors Young Lawyers Division*, Miami, Florida October 2009
- "The Opinion is Out...Now What," *Florida Bar Young Lawyers Section seminar*, Miami, Florida, 2006, 2007, 2008
- "Balancing Judicial Independence and Accountability," *2007 Florida Appellate Justice Conference*
- "The Limits of Quasi-Judicial Actions: Whatever Happened to Ministerial Acts," *Zoning and Land Use in Florida Seminar, Lorman Education Services*, Miami, Florida, 2004
- "Issues in Development Review Processing: A Case Study of Unincorporated Miami-Dade County," *Zoning and Land Use in Florida Seminar, Lorman Education Services*, 2004

## Miscellaneous

- Interviewed, "Foro 17," a Spanish-language talk show in South Florida, WLRN, public television station, on the topic of the Cuban Spy case, March 31, 2006

## Languages

- French
- Italian
- Spanish

## Press Mentions

- ["Right Turn on Red: Thousands of Tickets Could Get Tossed"](#), *NBC6 Miami*, 2/26/2019
- "Is Your Website ADA Compliant?", *Bar Business Magazine*, 10/18/18
- "Ed Guedes & Sam Zeskind: Judge Dismisses Red-Light Camera Class Action Against Cities", *DBR*, 7/17/18
- "Ed Guedes Interviewed on WIOD's Brian Mudd Show", *WIOD*, 7/12/18
- "Justices Reject Red-Light Camera Ticket Challenge", *Daily Business Review*, May 9, 2018
- "Red-light cameras can stay, Florida Supreme Court rules", *Sun Sentinel*, May 3, 2018
- "Florida Supreme Court rules on red-light cameras. Drivers may not be happy", *Miami Herald*, May 4, 2018
- "Red Light Cameras are Officially Legal-Do You Think They Promote Public Safety or Just Generate Cash for Cities?", *Sun Sentinel*, May 3, 2018
- "Publix Wins Reversal of 1.5M Miami Slip-and-Fall Verdict", *DBR*, April 5, 2018
- "Fla. Supreme Court Will Tackle Red Light Camera Controversy", *Law 360*, 5/19/2017
- Subpoena Power of Miami Police Probe Panel Faces Challenge, *Daily Business Review*, 2/7/2017
- "Appeals court says Oldsmar's red-light cameras are legal" *Tampa Bay Times* 10/28/16
- "Fla. Court says Cities can contract with traffic camera Cos." *Law 360* 10/31/16
- "Noting District Split, Appellate Panel OKs Red Light Camera Programs" *Daily Business Review* 7/27/16
- "Fla. Court Won't Revive \$250m Contract Suit Against Tribe" *Law 360* 6/17/16
- "Case Tests Open Records Application to Business Booster" *Daily Business Review* 11/17/15



- "Court Holds Off Making Fla. Commission's Docs Public," *Law 360*, 10/30/2015
- "Fla. High Court Affirms \$700 M In Clean Energy Bonds" *Law 360* 10/1/15
- "Red Light Camera Mega-Case Inches Forward" *Daily Business Review* 8/19/15
- "Green Light for Drivers. Florida Supreme Court Stays on Sidelines in Red-Light Camera Case" *Daily Business Review* 4/14/15
- "2014 Top Lawyers," *South Florida Legal Guide*, 1/1/14
- "DUI Defense Attorneys Lose Subpoena Bid," *Daily Business Review*, 11/11/13
- "Will Florida Supreme Court Make DUI Breathalyzers Inadmissible?" *Sunshine State News*, 2/6/13
- "High Profile Decisions Put Florida's DCA in Cleanup Mode," *Daily Business Review*, 12/17/12
- "2012 Top Lawyers," *South Florida Legal Guide*, 2/1/12
- "Red Light Cameras Get Green Light From Court," *Daily Business Review*, 12/6/11
- "And The Defense Wins," *DRI: The Voice of the Defense Bar*, 11/30/11
- "Appeal: Plaintiffs Are Entitled to Return of Condo Deposits," *Daily Business Review*, 9/13/11
- "Deerfield Beach Hiring Lawyers to Defend Utility Tax," *Sun-Sentinel*, 8/18/11
- "Lawyer: Intoxilyzer Source Code Available In Kentucky," *Sarasota Herald-Tribune*, 5/24/11
- "Twelve Weiss Serota Helfman Cole Bierman & Popok, P.L. Lawyers Named to Prestigious Super Lawyers Guide," *dBusinessNews*, 7/2/09
- "Green Light for Drivers. Florida Supreme Court Stays on Sidelines in Red-Light Camera Case," *Daily Business Review*, 4/14/15
- "Decision Strikes Blow to Cameras," *SunSentinel*, 4/16/15

## Reported Cases

- *Pumphrey v. City of Dania Beach*, \_\_\_ So. 3d \_\_\_, 2014 WL 3953653 (Fla. 4th DCA 2014)
- *Masone v. City of Aventura*, \_\_\_ So. 3d \_\_\_, 2014 WL 2609201 (Fla. 2014)  
*City of Hollywood v. Arem*, \_\_\_ So. 3d \_\_\_, 2014 WL 1612614 (Fla. 4th DCA 2014)
- *Marshall v. Publix Super Markets, Inc.*, 137 So. 3d 384 (Fla. 2d DCA 2014)  
*Pembroke Lakes Mall, Ltd. v. McGruder*, 137 So. 3d 418 (Fla. 4th DCA 2014)  
*Doe v. Leon*, 555 Fed. Appx. 84 (2d Cir. 2014)
- *Carvajal v. Hillstone Restaurant Group, Inc.*, 130 So. 3d 1285 (Fla. 3d DCA 2014)
- *Ulloa v. CMI, Inc.*, 133 So. 3d 914 (Fla. 2013) *Vulcan Dynamic Realty Fund, LP v. Sabadell United Bank, NA*, 128 So. 3d 808 (Fla. 3d DCA 2013)
- *Coriat v. South Beach Lending, LLC*, 127 So. 3d 516 (Fla. 3d DCA 2013)
- *Murphy v. Publix Super Markets, Inc.*, 126 So. 3d 1067 (Fla. 4th DCA 2013)
- *McClure v. Publix Super Markets, Inc.*, 124 So. 3d 998 (Fla. 4th DCA 2013)
- *Faddis v. City of Homestead*, 121 So. 3d 1134 (Fla. 3d DCA 2013)
- *Publix Super Markets, Inc. v. Santos*, 118 So. 3d 317 (Fla. 3d DCA 2013)
- *O'Boyle v. Bradshaw*, 952 F. Supp. 2d 1310 (S.D. Fla. 2013)
- *Apothecary Development Corp. v. City of Marco Island, Fla.*, 2013 WL 1789549 (11th Cir. Apr. 29, 2013)
- *Isle of Dreams, LLC v. City of North Bay Village, Fla.*, 2013 WL 1196900 (11th Cir. Mar. 22, 2013)
- *Thor Guard, Inc. v. City of Boca Raton*, 100 So. 3d 1285 (Fla. 4th DCA, 2012)
- *Publix Super Markets, Inc. v. Anderson*, 92 So. 3d 922 (Fla. 4th DCA, 2012)
- *School Board of Miami-Dade County, Florida v. Rise Academy of South Dade Charter School*, 90 So. 3d 1001 (Fla. 3rd DCA, 2012)
- *Gregg v. City of Miramar*, 90 So. 3d 277 (Fla. 1st DCA, 2012)
- *Fong v. Courvoisier Courts Condominium Ass'n, Inc.*, 81 So. 3d 562 (Fla. 3rd DCA, 2012)
- *City of Aventura v. Masone*, 89 So. 3d 233 (Fla. 3rd DCA, 2011)
- *McGuinness v. State*, 80 So. 3d 1025 (Fla. 1st DCA, 2012)
- *CMI, Inc. v. Ulloa*, 73 So. 3d 787 (Fla. 5th DCA, 2011)



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28  
YEARS  
OF RELATIONSHIPS

- *Manseau v. City of Miramar*, 395 Fed. Appx. 642 (11th Cir. Sep. 10, 2010)