



Shareholder

*Administrative Practice, Commercial Litigation/Class Action
Defense, Insurance Regulation, Labor & Employment Law*
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AV Rated



Harry Thomas has over thirty years of experience in a wide range of complex litigation matters and has been recognized with the highest ratings from multiple peer reviewed rating organizations including Martindale-Hubbell (AV), Florida Trend's: *Legal Elite*, Law & Politics: *Florida Super Lawyers*, and *Best Lawyers in America*. In fact, Chambers USA: *America's Leading Lawyers for Business*, recently described Mr. Thomas as a litigator "on the short, short list of people to go to."

In addition to general commercial litigation, Mr. Thomas' practice encompasses the litigation of insurance coverage and insurance regulatory disputes, as well as the litigation and arbitration of insurance rate cases and reinsurance disputes. Mr. Thomas also has extensive experience in surety cases including the representation of sureties and contractors in asserting construction delay claims in connection with both governmental and private construction contracts. In addition, since 1978, Mr. Thomas has represented clients in antitrust matters involving both state and federal antitrust laws and has served on a special advisory committee to the Florida Bar on antitrust issues. Mr. Thomas has defended clients in *qui tam* whistleblower suits, prosecuted cases for clients involving breaches of covenants not to compete and confidentiality agreements and represented clients in evidentiary hearings and appeals in order to prevent the court ordered disclosure of trade secrets.

Representative Matters

Insurance: Coverage, Regulatory and Reinsurance Litigation

- Successful defense of claim of coverage under a medical malpractice policy for liability arising from alleged fraudulent and negligent billing practices.
- Successful defense of claim of coverage under a life insurance policy for death occurring after application filed and premium deposit paid and agent assured applicant of existence of coverage.

- Successful defense of class action suit against life insurance company in which plaintiffs alleged statutory violations of Florida's Insurance Code in connection with the sale of credit life insurance to purchasers of automobiles.
- Successful representation of insurance company in statewide class action challenging the underwriting methodology employed by an out-of-state group for setting premiums for health insurance coverage provided to Florida residents.
- Successful representation of insurance company in statewide class action challenging the constitutionality of rate arbitration proceedings.
- Successful defense of claim of coverage challenging the wind driven rain exclusion clause in policies providing windstorm coverage.
- Successful representation of insurance company in numerous cases involving hurricane damage claims under Florida's Valued Policy Law.
- Successful representation of insured claiming extra expense under a business owner's policy for damage caused by hurricanes to multiple business locations.
- Successful defense of multiple insurance companies in a suit pertaining to the funding of firefighter pension funds through the premium tax on property insurance.
- Successful defense of insurance company in license revocation proceeding initiated by the State of Florida, Department of Insurance.
- Successful defense of life insurance company on a cease and desist order issued by the State of Florida, Department of Insurance relating to the alleged collection of race based premium differentials on industrial life policies.
- Successfully obtained an injunction against the State of Florida's decision to exclude certain insurance companies from offering their dental insurance plans to state employees throughout Florida.
- Representation in numerous cases involving alleged improper marketing practices in the sale of life insurance.
- Successful coverage defense of insurance company under the provisions of an errors and omissions policy issued by another insurer.
- Successful prosecution through trial and verdict of claim in federal court by insurer against reinsurers on a quota share reinsurance treaty covering automobile insurance written in Hong Kong and Macau.
- Representation of insurer in arbitration of reinsurance dispute under ARIAS rules.
- Successfully represented self-insurance trust in trial court and subsequent appeal against claim of former members for entitlement to participate in a dividend distribution.

Construction, Surety and Fidelity Litigation

- Prosecution of construction delay claim by surety against municipality in connection with the installation of underground utilities

- Prosecution of negligence claims against contractor, sub-contractors, architect and engineers, resulting in favorable settlement.
- Successful defense of insurance company against claims of agents arising out of the sale of the insurance company's surety book of business.
- Defense of insurance company that issued payment and performance bonds on hotel construction project.
- Negotiation of take-over and completion agreement between surety and owner.
- Defense of claims of non-payment by subcontractors.
- Successful recoveries on delay claims asserted by contractors on state highway construction projects.
- Successfully represented sub-contractor in suit and subsequent appeal to enforce arbitration provision against claim of waiver on bridge construction project.

Commercial

- Defense of corporations and individuals in numerous antitrust cases involving claims under Sections 1 and 2 of the Sherman Act and Florida's Antitrust Act including representations of persons called to testify before a Grand Jury investigating potential antitrust violations.
- Successfully defended the trade secrets of a manufacturer of electronic voting machines in an evidentiary proceeding and appeal there from in which litigants were attempting to require the production of the voting machine source code.
- Successfully defended insurance company in *qui tam* action brought by whistle-blower.
- Representation in multiple cases for financial institution to enforce covenants not to compete and confidentiality agreements breached by former employees.
- Representation in NASD arbitration.
- Successful prosecution of claims on promissory notes, guaranty agreements and mortgages.
- Served as class plaintiffs' liaison counsel in nationwide class action involving commercial tissue products.

Disputed Election Litigation

- Successfully represented a judicial candidate and a candidate for the state legislature in suits seeking to have the candidates' names removed from the ballots.
- Successfully represented candidate for state legislature in having opponent removed from the ballot for failure to comply with the "resign to run" law.
- Represented Attorney General Bill McCollum, in his individual capacity, in suit challenging the constitutionality of Florida's Public Financing of Elections law.

Education:

- Stetson University College of Law, Gulfport, FL , 1975, J.D.
Honors: Cum Laude
Law Review: Stetson Law Review, Executive Editor, 1974 - 1975
- East Tennessee State University, B.A., 1968

Professional Associations and Memberships:

- Tallahassee Bar Association Member
- American Bar Association Member
- The Florida Bar, 1975 Member
- The Florida Bar Antitrust Committee, 1982 - 1984 Vice Chairman; The Florida Bar Special Antitrust Advisory Committee
- U.S. Court of Appeals, 11th Circuit, 1981
- U.S. District Court, Middle District of Florida, 1976
- U.S. District Court, Northern District of Florida, 1978
- U.S. District Court, Southern District of Florida, 2000

Professional Honors:

- Florida Trend's *Florida Legal Elite*, 2005, 2006, 2007, 2008, 2009
- Law & Politics, *Florida Super Lawyers*, 2006, 2007, 2008, 2009, 2010, 2011
- Law & Politics, *Florida Super Lawyers, Corporate Counsel Edition*, 2008, 2009, 2010
- *Best Lawyers in America*, 2007, 2009, 2010, 2011, 2012
- Chambers USA, *America's Leading Lawyers for Business* 2005, 2006, 2007, 2008, 2009, 2010, 2011
- *Who's Who in American Law*, 2007, 2011-2012, Marquis Who's Who

Professional Experience:

- Radey Thomas Yon & Clark, P.A., Shareholder, 2003 - Present
- Katz, Kutter, Alderman, Bryant & Yon, P.A., Shareholder, 1999 - 2003
- Cummings & Thomas, P.A., 1997 - 1999
- Katz, Kutter, Haigler, Alderman, Marks, Bryant & Yon, P.A., Litigation Shareholder, 1996 - 1997
- Aurell Radey Hinkle Thomas & Beranek, 1986 - 1996
- Holland & Knight, Litigation Partner, 1975 - 1986
- United States Army, Captain, 1968 - 1972