



John Y. Benford

Partner

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John Benford is an accomplished litigator and trial lawyer who concentrates his practice in the area of commercial and business disputes in both federal and state courts. John has practiced throughout the state of Florida for more than 30 years, representing clients in a range of commercial and business disputes, including business torts, unfair competition, shareholder disputes, securities litigation, various commercial real estate disputes, construction, professional liability, breach of contract, class action lawsuits, insurance coverage and other matters. He has tried dozens of cases to verdict, and has obtained numerous successful results during the pre-trial phase of litigation through settlement as well as through the use of alternative dispute resolution methods.

During his career as a litigator and trial lawyer, John has successfully defended and protected clients from unjust or excessive liability and obtained significant recoveries and relief for clients. His clientele represent a broad range of industries and businesses of all sizes, and he is familiar with matters pertaining to the real estate, technology, manufacturing and aerospace sectors.

A consummate professional with an abiding dedication to the law, John puts the client first, providing an aggressive defense that parallels the client's objectives in the matter and respects the bottom line. While experienced in litigation and trial work, John prides himself in counseling clients on how best to avoid and resolve lawsuits.

Prior to joining Wilson Elser, John worked for several prominent law firms, including one of the largest firms in the United States. He speaks often on litigation and trial practice, as well as professionalism and ethics at local law schools and bar organization seminars.

John also has received numerous awards for his *pro bono* services to members of Central Florida's indigent community.

Services

- Accountants
- Class Action
- Commercial Litigation
- Directors & Officers Liability
- Government Investigations
- Insurance & Reinsurance Coverage
- Intellectual Property & Technology
- National Trial Team
- Professional Liability & Services
- Securities
- Construction

Education

- University of Miami School of Law (J.D., *cum laude*, 1994)
 - member, University of Miami Business Law Review; Book Awards, Torts and Legal Writing
- University of Miami (M.B.A., *cum laude*, 1991)
- Washington and Lee University (B.A., *cum laude*, 1987)

Bar Admissions

- Florida

Court Admissions

- Supreme Court of the United States
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Northern District of Florida

Professional Affiliations

- Orange County Bar Association, Professionalism Committee, Chair and Law School Liaison
- Ninth Judicial Circuit, Professionalism Panel
- Association of Trial Lawyers of America
- Federal Bar Association
- DRI: The Voice of the Defense Bar, Commercial Litigation Committee

Awards & Honors

- Selected for inclusion in *The Best Lawyers in America*®, 2026
- AV® Preeminent™ Rated by Martindale-Hubbell, 2003–2026
- Selected for inclusion in *Florida Super Lawyers*, Business Litigation, 2011–2020
- *Florida Trend*, Legal Elite, 2015–2016
- Orange County Bar Association, *pro bono* service awards, 2007, 2009–2010

Representative Matters

Represents shareholders of corporations in the prosecution and defense of various disputes, including shareholder derivative actions, shareholder oppression,

misappropriation of assets, corporate fraud, breach of fiduciary duties, securities fraud and disputes involving securities.

Business torts, including unfair competition, tortious interference, defamation, civil fraud and deceit, civil theft, conversion, breach of fiduciary duty, deceptive and unfair trade practices, civil RICO and fraudulent transfers.

Unfair competition–related disputes, including misappropriation of trade secrets, breach of noncompetition agreements, and defamation.

Intellectual property litigation, including trade secret, patent, copyright and trademark disputes.

Breach of contract actions, including contracts involving the sale of goods, services, insurance and intellectual property.

Securities litigation, including fraudulent sale of securities, shareholder derivative actions, security industry professionals, FINRA disputes and SEC investigations.

Real estate litigation, including disputes arising from the sale of real estate, commercial real estate foreclosure, lender liability, fraudulent real estate sales, land use, commercial landlord/ tenant disputes and construction litigation.

White collar crimes, including securities and investment fraud, banking and mortgage fraud, wire fraud, mail fraud, and consumer-related crimes.

Client Wins

Benford & Larkin Obtain Summary Judgment on \$3.2 Million Accounting Malpractice Claim

John Benford (Partner-Orlando, FL) and Peter Larkin (Partner-White Plains, NY) obtained summary judgment in an accounting malpractice case pending in state court in Orlando, Florida, where the plaintiff was seeking \$3.2 million in damages (including prejudgment interest). The case involved two accounting firms (including a national firm) and one of their CPAs in an accounting malpractice lawsuit brought by a Florida-based petroleum company. The plaintiff alleged that the CPA had colluded with its former CEO to increase the CEO's bonus by using a formula that deviated from the formula contained in the CEO's employment agreement, and which the plaintiff's board of directors never approved. The plaintiff claimed that the CPA's use of the alternate formula caused the CEO to be overpaid a total of approximately \$1.2 million in unauthorized bonus compensation. The company also claimed approximately \$2 million in prejudgment interest relating to the alleged overpayments. Through targeted deposition testimony, John and Peter demonstrated that several members of the plaintiff's management were aware of the CPA's use of the alternate bonus formula and, therefore, the plaintiff petroleum company had institutional knowledge that the CPA was using the different formula.

Benford Obtains Favorable Verdict in False Advertising Case, Less than 7 Percent

of Plaintiff's Demand

John Benford (Partner-Orlando, FL) obtained a favorable verdict in a Lanham Act false advertising case for less than 7 percent of demand after a one-week trial in the U.S. District Court, Southern District of Florida. Wilson Elser was retained by a timeshare exit company only four months before trial to defend a lawsuit brought by a large national timeshare developer alleging, among other things, false advertising under the Lanham Act, deceptive and unfair trade practices, and tortious interference. Prior to Wilson Elser being retained, the court granted partial summary judgment in favor of the plaintiff developer, finding that the client had engaged in deceptive and unfair trade practices, and granted injunctive relief against the client. Shortly after John entered the litigation, the timeshare developer withdrew its claims for approximately \$8 million in legal damages, which prevented the case from being tried by a jury (the client's preference). Accordingly, the case proceeded to a nonjury trial on the remaining approximately \$1.6 million in Lanham Act disgorgement damages (equitable relief), which the developer was seeking. At trial, John presented evidence of the developer's deceptive practices, which was highly relevant to the issue of equitable relief. As a result, the court awarded the developer only \$100,000 of the approximately \$1.6 million it demanded, less than 7 percent of what the developer demanded at trial.

Benford and Freeman Obtain Favorable Verdict for Distributor of Firearm Parts in False Advertising, Breach of Warranty & Defamation Case

Orlando partners John Benford and Nick Freeman obtained a favorable verdict for less than 2 percent of the amount demanded by the plaintiff after a two-week trial in the Southern District of Florida. Wilson Elser was retained to defend a national distributor of firearm parts in a lawsuit brought by a gun manufacturer that asserted a total of 12 claims based on false advertising, breach of contract, breach of warranty and various defamation counts. The court awarded our client partial summary judgment on 9 of the 12 claims one week prior to trial. The case then proceeded to a 10-day jury trial on two of the breach of warranty claims and one defamation claim. The plaintiff demanded \$40 million prior to trial. During the course of the trial, John obtained numerous favorable rulings in limine from the court excluding key portions of the plaintiff's evidence. During closings, the plaintiff requested an award of \$8.5 million from the jury. The jury found for our client on both breach of warranty claims, and for the plaintiff on the defamation claim, awarding plaintiff \$500,000 in damages, which represented less than 10 percent of the amount the plaintiff requested from the jury at the conclusion of the trial.

Benford Obtains Pretrial Ruling, Drastically Reducing Plaintiffs' Damages in Lanham Act / Unfair Competition Case

John Benford (Of Counsel-Orlando, FL) obtained a series of partial summary judgments and orders in favor of a timeshare exit company, reducing plaintiffs' damages from \$20.6 million to approximately \$500,000 in three-year Lanham Act / unfair competition litigation. Plaintiff, one of the largest timeshare companies in the world, and its affiliate entities sued the firm's client in the Middle District of Florida, alleging the firm's client made numerous false and misleading statements in assisting consumers in terminating their timeshare contracts. Under the Lanham Act, plaintiff claimed false advertising, tortious interference, and deceptive and unfair trade practices. Amy and John were able to get the Lanham Act claim dismissed in its entirety, limiting plaintiff's damages to less than 5 percent of the original demand, five days before trial.

Natalie Bourff (Associate-Orlando, FL) played an integral part on the litigation team, providing valuable assistance during the litigation, including in the preparation of extensive court filings.

Benford and Morgese Obtain Summary Judgment in Federal Court Action Against Government Contractor Alleging Deceptive Trade Practices

John Benford (Of Counsel-Orlando) and Joseph Morgese (Associate-New Jersey) obtained a summary judgment in the Middle District of Florida in favor of the firm's client, a government contractor that services more than 250 municipalities in the state of Florida and the throughout the United States. The client assists municipalities in collecting various fees owed by property owners. The plaintiff, a large real estate hedge fund and property owner, sued the client alleging various causes of action, including deceptive and unfair trade practices and violations of the Florida and U.S. constitutions based on the client's business practices. Importantly, the plaintiff sought injunctive and declaratory relief ,which, had plaintiff prevailed at trial, would have caused the client to lose tens of millions of dollars in revenue per year.

Benford and Matheny Obtain Summary Judgment on Lanham Act Claim Seeking \$8.7 Million

John Benford (Of Counsel-Orlando) and Jordan Matheny (Associate-Orlando) obtained a partial summary judgment in favor of the firm's client, a timeshare exit company (a consumer protection service), on the plaintiff's claim for false advertising under the Lanham Act. The plaintiff sought to recover \$8.7 million under the Lanham Act claim, which represented approximately 70 percent of plaintiffs' total claimed damages. The ruling helped force a favorable settlement for the client two days before trial. The litigation involved the defense of in a lawsuit brought by the plaintiff, one of the largest timeshare companies in the world, in United States District Court, Middle District of Florida. The timeshare company claimed, among other things, that the client engaged in false advertising in violation of the Lanham Act, 15 U.S.C. § 1125(a). The plaintiff claimed, among other things, that the client had made numerous false and misleading statements in interstate commerce relating to the timeshare industry and the client's services in assisting consumers in terminating their timeshare contracts. John and Amy served as trial counsel throughout the two-and-a-half year litigation. Jordan provided valuable assistance during the litigation, including on the preparation of the motion for summary judgment.

Benford and Arline Obtain Dismissal with Prejudice in RICO Violation Case

John Benford (Of Counsel-Orlando) and Kathy Arline (Associate-Orlando) obtained a dismissal with prejudice on behalf of a major insurance company, in a case where the plaintiff alleged multiple RICO violations in the U.S. District Court for the Middle District of Florida. Plaintiff, an owner and operator of a catering company, claimed to have sustained a left-hand injury and psychological symptoms stemming from his injuries, which precluded him from working. The plaintiff sought \$7.4 million in damages; this was the plaintiff's third attempt at the Complaint. The plaintiff asserted that he was entitled to relief for Florida workers' compensation benefits through the Federal Court under RICO because each defendant had committed at least two or three intentional racketeering torts that resulted in the diminution of his benefits. John and Kathy moved to dismiss plaintiff's allegations of RICO violations, negligent infliction of emotional distress, intentional infliction of emotional distress and violations of Florida's criminal statute § 817.234 F.S.

(false and fraudulent insurance claims), and federal criminal statute 18 U.S.C. § 1343 (fraud by wire, radio, or television). They argued the Court had no subject-matter jurisdiction, removal was inappropriate because there was no underlying action pending in Florida and plaintiff failed to plead sufficient facts to establish a cause of action. With regard to the RICO claims, John and Kathy argued, in part, that the plaintiff had not plausibly alleged an injury to business or property under RICO. The Court agreed on all counts and dismissed the plaintiff's Second Amended Complaint with prejudice, in its entirety.

Benford Obtains Jury Verdict in Securities Litigation for Fraction of Demand Amount

John Benford (Of Counsel-Orlando) obtained a favorable jury verdict at trial in a lawsuit brought by three major shareholders/investors of the client, a technology company. The plaintiffs attempted to prove at trial that the client violated their rights as shareholders in preferred stock, including their right to redeem the stock at certain prices. Defense was challenged by evidence offered by plaintiffs that they lost several million dollars on the stock at issue and related investments during the stock market crash of 2008. However, John presented evidence to the jury relating to, among other things, plaintiffs' failure to act reasonably and engaging in conduct inconsistent with their claims. During closing arguments, the plaintiffs requested that the jury award them \$2,760,000. After approximately two hours of deliberation, the jury returned a verdict of only \$336,000 – about 12 percent of what they asked the jury to award them. The plaintiffs' original demand prior to trial was \$3,864,000.