



Joseph Towne

Of Counsel

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Joseph Towne is an experienced trial court litigator in state and federal courts, and an experienced appellate litigator having been cited as counsel of record in more than 30 published opinions. He is board certified by the Florida Bar in real estate law.

Throughout his career, Joe has represented clients in a range of commercial and business matters, including construction litigation; commercial real estate disputes; insurance coverage issues regarding primary and excess policies, general and special form policies, reinsurance policies, and bad faith; and toxic torts. He has extensive experience in creditors' rights litigation including bankruptcy representation for creditors. Joe also litigates unfair business practice claims, including defense of claims brought under the Fair Debt Collection Practices Act (FDCPA), Telephone Consumer Protection Act (TCPA), Fair Credit Reporting Act (FCRA), Florida's Consumer Collection Practices Act (FCCPA), Florida's Unfair and Deceptive Trade Practices Act (FUDTPA), Florida's Civil Theft Statute (Fla. Stat. § 772.11), Federal and Florida Civil Racketeer Influenced and Corrupt Organization (RICO) statutes, and other matters.

Representative Matters

Represented a city in a construction defect lawsuit against its general contractor involving a parking garage and a convention center building in both trial and an interlocutory appeal over the finality of a motion to dismiss regarding the application of Florida's 10-year statute of repose for construction defect claims.

Represented a Fortune 500 hardware retail chain on various commercial, construction, toxic tort, and insurance disputes in state and federal court.

Represented a big box retail chain in toxic tort case with claims of bodily injury and property damage.

Services

- Commercial Litigation
- Construction
- Insurance & Reinsurance Coverage

Successfully defended a large business client that acted as matchmaker for contractors and consumers of construction services against multiple lawsuits alleging that the client negligently referred customers to contractors who were allegedly not up to the job.

Represented a local government risk co-op on various coverage matters arising out of claims made by members of the risk co-op under a highly specialized coverage document containing all-risk property coverage, general liability coverage, D&O coverage, auto coverage, worker's comp coverage, limited Jones Act coverage, and many other coverages. Joe also represented the risk co-op on lawsuit and arbitration proceedings brought against the risk co-op's reinsurer under the reinsurance policy and successfully argued that the arbitration provision in the reinsurance policy was not governed by the Federal Arbitration Act.

Represented lenders and debt collectors in state and federal court on complex claims arising out of breaches of residential and commercial loan documents and claims brought by debtors under the Fair Debt Collection Practices Act (FDCPA), Telephone Consumer Protection Act (TCPA), Fair Credit Reporting Act (FCRA), Florida's Consumer Collection Practices Act (FCCPA), and Florida's Unfair and Deceptive Trade Practices Act (FUDTPA).

Represented a U.S. industrial equipment supplier on an arbitration over an international sale of goods dispute arising under the UN Convention on Contracts for the International Sale of Goods (CISG) involving the international sale, delivery and performance of augmentation equipment for power plant turbines.

Represented many commercial landlords on complex landlord-tenant lawsuits in state and federal court and successfully obtained judgments for eviction and money damages and defended against defenses and counterclaims for constructive eviction, breach of the implied covenant of quiet enjoyment, fraud in the inducement and breach of the lease by the landlord.

Represented a landlord on a complex Chapter 11 proceeding initiated by guarantor of a commercial lease involving claims brought by the Small Business Administration and U.S. Government as guarantor of money loaned to the tenant's business entity under the paycheck protection program (PPP) and the Economic Injury Disaster Loan program (EIDL).

Obtained a final summary judgment awarding money damages in favor of business trustee client as plaintiff against business trustee defendant involving claims that business trustee defendant breached the terms of a land trust agreement, breached the business trustee's statutory duty to act as a fiduciary for the beneficiaries of the land trust, and breached the terms of a note and guaranty.

Successfully represented a small, post-secondary school on a million-dollar coverage dispute with its general liability insurer on a claim regarding a car accident involving a student on the way to a clinical internship.

Represented a real estate investor on a lawsuit brought by the investor against a

condominium association for injunctive relief, declaratory relief, breach of the declaration of covenants, breach of section 718.113(1), Florida Statutes (the association's statutory duty to maintain the common elements), common law negligence, and breach of the association's officer's fiduciary duties arising out of the association's failure to maintain the condominium building such that the investor's unit was red-tagged as an unsafe structure, which prevented the investor from accessing the unit, selling the unit or renting the unit.

Construction Litigation

Joe has extensive experience representing contractors, suppliers and owners in all phases of construction litigation including the Chapter 558 pre-suit process, trial court litigation over construction defect claims, construction delay claims, breach of warranty, property damage and bodily injury on construction sites. Joe also has experience with appellate litigation on issues specific to construction litigation.

Commercial Real Estate Disputes

Joe has represented owners/landlords of commercial property in all manner of disputes including complex landlord/tenant actions involving claims, defenses and counterclaims by tenants for declaratory relief concerning lease language, constructive eviction, fraud in the inducement, breach of the implied covenant of quiet enjoyment, and breach of the lease by landlords. Joe also has represented owners/landlords in zoning and code enforcement disputes against local government boards and agencies. In addition, he has extensive experience advising and counseling commercial property owners regarding issues concerning tax deeds, easement and access issues, encroachments, lien priority issues, title defect and title insurance issues, and many other issues affecting commercial real estate owners and developers. Joe also has experience writing local counsel opinion letters regarding the possible impact of Florida law on complex real estate transactions.

Insurance & Reinsurance Coverage and Bad Faith

Joe provides coverage opinions and litigates coverage issues in connection with a variety of policy forms including CGL policies, all risk commercial property policies, admiralty policies, D&O policies, auto policies, construction policies, title insurance policies, workers' comp policies, and many other general form and special form policies. Joe has experience representing insureds, insurance companies and risk co-ops regarding coverage issues and policy form interpretations. Joe also provides policy reviews to clients and is sought out for advice and counsel regarding recommendations for changes to policy language that are tailored to meet client goals to ensure that the policy covers the claims intended to be covered and to mitigate the risk of unintended coverage due to ambiguous policy language. Joe also is experienced in counseling insurance companies and risk co-ops regarding reinsurance and excess coverage issues including reinsurance litigation and arbitration. Additionally, Joe is experienced in litigating and providing specific guidance on bad faith claims both as counsel for insurance companies and insureds including civil remedy notices of insurer violation (CRNs) litigation of bad faith claims in state and federal court.

Toxic Torts

Joe defends businesses against toxic tort claims including bodily injury and property damage claims arising out of alleged mold exposure. Joe understands the complexities regarding the experts and science necessary to mount an effective defense against toxic

tort claims and provides his clients with a vigorous defense on the issues of liability, causation and damages.

Creditor's Rights & Unfair Business Practice Litigation

Joe is also an experienced bankruptcy litigator for creditors with experience in creditor representation in bankruptcies brought under Chapters 7, 11, and 13 of the Bankruptcy Code. Joe also zealously defends businesses against "unfair business practice" claims in both state and federal court including claims brought under the Fair Debt Collection Practices Act (FDCPA), Telephone Consumer Protection Act (TCPA), Fair Credit Reporting Act (FCRA), Florida's Consumer Collection Practices Act (FCCPA), Florida's Unfair and Deceptive Trade Practices Act (FUDTPA), Florida's Civil Theft Statute (Fla. Stat. § 772.11), Federal and Florida Civil Racketeer Influenced and Corrupt Organization (RICO) statutes, and other matters. Many of these statutory causes of action permit prevailing parties to seek attorney's fees against defendants, and Joe accordingly provides his clients with prompt and detailed case analysis along with a vigorous defense to mitigate against the risk of any unnecessary fee exposure.

Education

- Stetson University College of Law (J.D., 2010)
- University of Florida (B.A., 2007)

Bar Admissions

- Florida

Court Admissions

- Supreme Court of Florida
- Florida District Courts of Appeal
- U.S. District Court, Northern District of Florida
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. Bankruptcy Court, Northern District of Florida
- U.S. Bankruptcy Court, Middle District of Florida
- U.S. Bankruptcy Court, Southern District of Florida

Professional Affiliations

- The Florida Bar, Standing Committee on Advertising, Chair, 2022–2023; Member, 2018–present
- Orange County Bar Association
- George C. Young American Inns of Court

Awards & Honors

- Appointed by Governor Ron DeSantis to the Judicial Nominating Commission, Ninth Judicial Circuit, 2024
- Super Lawyers, Rising Stars, 2020–2024