



# Nathaniel G. Foell

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## Overview

Nathan Foell is a litigator whose practice focuses on three areas: class actions; complex commercial litigation and arbitration; and appellate litigation and counseling.

Nathan defends class actions in a broad range of areas, including product liability, consumer protection, and cybersecurity. Nathan co-authors a [monthly publication](#) that covers the previous month's notable class action decisions from federal appellate courts, as well as notable Supreme Court cert petitions related to class actions.

Nathan handles complex commercial disputes of many kinds, whether in federal court, state court, or arbitration. Recent examples include disputes in the Middle and Southern Districts of Florida, in Hillsborough County's and Miami-Dade County's Complex Business Litigation Division, and in JAMS and AAA arbitrations.

Nathan litigates appeals in federal and state courts, most frequently in federal circuit and Florida appellate courts. He also provides appellate counsel in high-stakes cases still at the trial level. Nathan clerked for the Honorable David F. Hamilton of the U.S. Court of Appeals for the Seventh Circuit.

In 2024, Nathan was selected for the Product Liability Advisory Council's Future Leaders Program and for *Best Lawyers in America: Ones to Watch* in "Mass Tort Litigation/Class Actions – Defendants."

Nathan maintains a robust pro bono practice. Highlights include serving as first-chair in a federal jury trial, where Nathan represented a plaintiff asserting excessive force claims against the officers that arrested him, and filing a Supreme Court amicus curiae brief on behalf of two leading anti-human trafficking organizations, which was the subject of a [Law360 article](#).

## Experience

### Class Actions

- Obtained summary judgment against certified class of nearly one million plaintiffs in dispute regarding vacation ownership program. *Nolen v. Fairshare Vacation Owners Ass'n*, 591 F. Supp. 3d 1191 (M.D. Fla. 2022).
- Obtained order compelling arbitration and staying proceedings in putative class action. *Amargos v. Verified Nutrition, LLC*, 653 F. Supp. 3d 1269 (S.D. Fla. 2023).
- Defended beauty company in several putative class actions related to its dry shampoo products.
- Defended cosmetics company in several putative class actions related to its hand sanitizer products.
- Defended food company in putative class action related to the labeling of one of its products. Prevailed on discovery stay and dismissal motions. *Doss v. Gen. Mills, Inc.*, No. 0:18-cv-61924, 2019 WL 7946028 (S.D. Fla. June 14, 2019).
- Defended health insurer in multidistrict litigation relating to data breach.

### Complex Commercial Litigation & Arbitration

- Obtained voluntary dismissal of claims against defendant bank in business dispute that went from Florida state court to Middle District of Florida Bankruptcy Court and back again.
- Obtained summary judgment in favor of defendant insurance company in coverage dispute in Southern District of Florida.
- Represented multiple defendants in dispute over real estate venture in Florida state court, specifically Hillsborough County's Complex Business Litigation Division.
- Represented plaintiff in dispute over family businesses in Florida state court, specifically Miami-Dade County's Complex Business Litigation Division.
- Obtained order terminating supplementary proceedings against defendant company in Southern District of Florida.
- Represented defendant financial services company in contract dispute in New York state court, specifically New York Supreme Court's Commercial Division.
- Represented claimant e-commerce company in JAMS arbitration of contract dispute.
- Represented individual in trusts and estates dispute in Florida state court.
- Represented defendant produce company in business dispute in Middle District of Florida.

## Appellate Litigation

### Federal Appeals

- Obtained Eleventh Circuit affirmance of summary judgment against certified class of nearly one million plaintiffs in dispute regarding vacation ownership program. *Nolen v. Fairshare Vacation Owners Ass'n*, No. 22-11128, 2023 WL 5622595 (11th Cir. Aug. 31, 2023).
- Counsel for Product Liability Advisory Council as amicus curiae in appeals in the Sixth and Ninth Circuits.
- Counsel for insurance company in Eleventh Circuit appeal taken by policyholder in coverage dispute.
- Obtained Middle District of Florida affirmance of Middle District of Florida Bankruptcy Court order dismissing suit against defendant real estate developer. *In re Heather Hills Amenities, LLC*, 637 B.R. 168 (M.D. Fla. 2022).

### Florida Appeals

- Obtained Florida Third District Court of Appeal affirmance of summary judgment in favor of defendant bank. *Suzmar, LLC v. First Nat'l Bank of S. Miami*, No. 3D22-1839, 2023 WL 5597394 (Fla. 3d DCA Aug. 30, 2023).
- Obtained Florida Third District Court of Appeal affirmance of sanctions order. *Mayberg v. O'Neal*, 358 So. 3d 1254 (Fla. 3d DCA 2023) (per curiam).
- Obtained Florida Second District Court of Appeal affirmance of dismissal of claims against defendants. *Lifsey Real Estate & Holdings v. Starwood Capital Grp. L.P.*, 295 So. 3d 765 (Fla. 2d DCA Feb. 21, 2020) (per curiam).
- Counsel for defendant real estate developer in appeal of sanctions order taken by plaintiff to Florida First District Court of Appeal.

### U.S. Supreme Court

- Counsel for trade association as amicus curiae in support of respondent in a foreign sovereign immunity dispute.
- Counsel for trade association as amicus curiae in support of cert petitioner in defamation dispute.
- Pro bono counsel for two leading anti-human trafficking organizations as amicus curiae in support of cert petitioners in a dispute regarding prosecutorial immunity. Brief profiled by [Law360: Human Trafficking Orgs. Tell High Court to Eye Nurses' Case](#).
- Pro bono counsel for health policy experts as amicus curiae in support of respondents in a dispute regarding the Affordable Care Act.
- Pro bono counsel for eight retired judges as amicus curiae in support of cert petitioner in a habeas dispute.

# Areas of Focus

## Practices

- [Appellate & Trial Support](#)
- [Cybersecurity and Privacy](#)
- [Litigation and Trials](#)
- [Mass Tort and Product Liability](#)
- [Class Actions](#)

## Insights

04.10.2024

[Classified Monthly A Roundup of Class Action Decisions From Federal Appellate Courts March 2024](#)

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03.19.2024

[Classified Monthly A Roundup of Class Action Decisions From Federal Appellate Courts February 2024](#)

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02.23.2024

[Classified Monthly A Roundup of Class Action Decisions From Federal Appellate Courts January 2024](#)

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01.22.2024

[Classified Monthly A Roundup of Class Action Decisions From Federal Appellate Courts](#)

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07.07.2023

[The Lack of Actual Injury Defense: The Landscape Since TransUnion](#)

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02.01.2021

[One Game, One Stadium: Eleventh Circuit Spikes Collateral Challenge to Tampa Bay Buccaneers Proposed Class Action Settlement](#)

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06.12.2020

Considerable Deference With a Caveat: Third Circuit Addresses Fee Awards

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11.14.2019

When Is a Defense “Available”? Avoiding Waiver by Being Bold When Asserting Defenses

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10.28.2019

Cow Manure Meets Insurance Law: Seventh Circuit Addresses Breach of Contract Exclusions in Malpractice Insurance

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09.16.2019

Ninth Circuit Affirms Certification of Class Alleging Biometric Privacy Violations

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09.09.2019

Hearsay What? EDNY Finds That Class Certification Evidence Must Be Admissible

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05.20.2019

A Unicorn Sighting? Fourth Circuit Affirms Certification of Defendant Class

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05.15.2019

Oral Argument as an Opportunity to Deliberate With the Court

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04.02.2019

Split Over Impact of Bristol-Myers Squibb on Class Actions Deepens

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## News

02.16.2024

Carlton Fields Shareholder Class Featured in Law360: “Carlton Fields Taps 12 for Shareholder Roles Across 7 Offices”

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08.31.2023

Carlton Fields Represents Fairshare Vacation Owners Association in Class Action Appellate Victory

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01.13.2023

Human Trafficking Orgs. Tell High Court to Eye Nurses' Case

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03.11.2022

Certified Class Action Defeated: Federal Judge Rules That Fairshare Vacation Owners Association Did Not Breach Fiduciary Duty to Its Members

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05.02.2018

Nathaniel G. Foell Joins Carlton Fields in Tampa

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## Recognition

- *The Best Lawyers in America: Ones to Watch*, Mass Tort Litigation/Class Actions – Defendants (2024)
- Recognized by the Florida, D.C., and New York bars for commitment to pro bono service

## Professional & Community Involvement

- Product Liability Advisory Council
  - Future Leaders Program (2024)
- Hillsborough County Bar Association
  - Read to Dream Initiative (2024)
- Through the Federal Bar Association, served as pro bono counsel at jury trial for plaintiff who asserted excessive force claims against the officers that arrested him

## Speaking Engagements

- “How to Be a Successful Writer at Carlton Fields,” Carlton Fields (2023–2024)
- “Federal Appellate Practice in 2019: Trends, Pitfalls, and Hot Topics,” Carlton Fields, Tampa, FL (December 6, 2018)

# Credentials

## Education

- New York University School of Law (J.D., cum laude, 2013)
  - Articles Editor, *New York University Law Review*
- Harvard University (A.M., 2010)
- University of Oklahoma (B.A., summa cum laude, 2005)
  - Phi Beta Kappa

## Bar Admissions

- District of Columbia
- Florida
- New York

## Background

- Associate, Hogan Lovells, Washington, D.C. (2013–2014, 2015–2018)
- Law Clerk to the Honorable David F. Hamilton, U.S. Court of Appeals for the Seventh Circuit (2014–2015)

## Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

## Clerkships

- Hon. David F. Hamilton, U.S. Court of Appeals, Seventh Circuit