

# Jaret J. Fuente

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## Overview

Jaret Fuente represents businesses and professionals in commercial disputes, class actions, and tort litigation in the construction, development, health care, insurance, product manufacturing, and real estate industries.

Jaret represents product manufacturers in the automotive, aviation, chemical, medical device, pharmaceutical, recreational product, and sporting goods sectors in connection with consumer fraud, crashworthiness, design and manufacturing defect, and warranty claims. Jaret has also represented an automotive manufacturer in a series of class actions involving deceptive and unfair trade practices claims arising from alleged product defects. He has extensive experience handling personal injury and wrongful death matters ranging from premises liability and negligent security to benzene exposure.

Jaret represents builders, contractors, and developers in breach of contract, construction defect, mold, and building product-related claims. He represented homebuilders involved in the Chinese drywall product liability multidistrict litigation proceeding in Louisiana.

Jaret has experience in all phases of litigation, including early case assessments and resolutions, class certification determination, binding arbitration, and trial.

Jaret is certified as a circuit civil mediator by the Florida Supreme Court. He is also certified as a mediator by the U.S. District Court for the Middle District of Florida.

## Experience

- Defended aircraft manufacturer in product liability litigation in state and federal courts arising from fatal crashes in general aviation.
- Represented homebuilders in individual and class actions and in multidistrict litigation proceedings involving Chinese drywall.
- Represented contractors, homebuilders, and residential property lessors in construction defect litigation, including litigation arising from mold.
- Represented prescription drug manufacturers in individual and mass tort actions involving personal injury and wrongful death claims.
- Represented medical device manufacturers in individual and mass tort actions involving hip and knee implants.
- Represented automotive manufacturer in class actions arising from consumer fraud and warranty claims, and defeated class certification.
- Represented automotive manufacturers in personal injury and wrongful death actions arising from crashworthiness claims.
- Represented chemical product manufacturer in personal injury and wrongful death actions arising from exposure to trace benzene.

## Representative Decisions

- *Laschober v. Ford Motor Co.*, 88 So.3d 943 (Fla. 2d DCA 2012) (affirming, per curiam, summary judgment on individual Florida Deceptive and Unfair Trade Practices Act claim where plaintiff lacked expert proof of design defect, after denial of class certification).
- *Cramer v. Ford Motor Co.*, No. 2007-CA-2135-NC, 2010 WL 3337647 (Fla. Cir. Ct. Aug. 25, 2010) (granting partial summary judgment on individual claims for express warranty and injunctive relief under the Magnuson-Moss Warranty Act, after denial of class certification).
- *Cramer v. Ford Motor Co.*, 49 So. 3d 241 (Fla. 2d DCA 2010) (affirming denial of plaintiffs' motion for class certification as to claim for violation of Florida Deceptive and Unfair Trade Practices Act).
- *Lewis v. Ford Motor Co.*, 685 F. Supp. 2d 557 (W.D. Pa. 2010) (holding that CAFA jurisdiction existed at time of removal, that denial of class certification did not divest court of CAFA jurisdiction, and denying plaintiffs' renewed motion to remand in Pennsylvania Unfair Trade Practices and Consumer Protection Law claim).
- *Lewis v. Ford Motor Co.*, 263 F.R.D. 252 (W.D. Pa. 2009) (denying plaintiffs' motion for class certification as to claim for violation of Pennsylvania Unfair Trade Practices and Consumer Protection Law).
- *Lewis v. Ford Motor Co.*, No. 2:09-cv-00164, 2009 WL 2355744 (W.D. Pa. June 30, 2009) (denying plaintiffs' motion to exclude defense expert in consumer class action under the Pennsylvania Unfair Trade Practices and Consumer Protection Law).
- *Brisson v. Ford Motor Co.*, 602 F. Supp. 2d 1227 (M.D. Fla. 2009) (dismissing consumer class action against vehicle manufacturer for breach of express and implied warranties).

- *Marzullo v. Crosman Corp.*, 289 F. Supp. 2d 1337 (M.D. Fla. 2003) (granting summary judgment in favor of air rifle manufacturer on design defect and failure to warn claims).
- *Palermo v. Corr. Med. Servs., Inc.*, 148 F. Supp. 2d 1340 (S.D. Fla. 2001) (granting summary judgment in favor of physician on section 1983 claims).
- *Palermo v. Corr. Med. Servs., Inc.*, 133 F. Supp. 2d 1348 (S.D. Fla. 2001) (granting partial summary judgment in favor of physician on section 1983 claims).

## Areas of Focus

### Practices

- Alternative Dispute Resolution Services
- Mass Tort and Product Liability
- Real Estate
- Health Care
- Construction
- Litigation and Trials
- Construction Litigation
- Development
- Pharmaceuticals and Medical Devices
- Aviation
- Trade Secrets / Noncompete Litigation and Consulting
- Class Actions

### Industries

- Real Estate
- Health Care
- Construction
- Property & Casualty Insurance

## Insights

11.02.2023

Amendments to Federal Rule of Evidence 702 to Take Effect in December 2023

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08.01.2021

Florida Supreme Court Adopts Federal Summary Judgment Standard

*Lawyer Magazine*

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07.01.2021

Administrative Order S-2021-023 – Circuit Civil Differentiated Case Management Plan

*Lawyer Magazine*

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05.01.2020

The Thirteenth Judicial Circuit Professionalism Committee

*Lawyer Magazine*

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03.01.2020

Chapter 558 and Commencement of an Action: Legislature Addresses Gindel V. Centex

*Lawyer Magazine*

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11.01.2019

Florida Supreme Court Adopts the Daubert Amendments

*Lawyer Magazine*

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03.02.2019

Chapter 558 and Commencement of an Action: Gindel v. Centex

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03.02.2019

Florida Supreme Court Reaffirms that Frye is the Standard

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04.03.2018

Florida Supreme Court Answers Certified Question in Altman V. Crum

*Lawyer Magazine*

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12.20.2017

Altman Contractors v. Crum & Forster: Florida Supreme Court Answers the 11th Circuit's Certified Question in the Affirmative

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11.30.2016

Eleventh Circuit Certifies Question to FSC in Altman V. Crum

*Lawyer Magazine*

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11.01.2016

Eleventh Circuit Certifies Question to FSC in Altman v. Crum

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06.01.2016

Illinois District Court Holds CAFA and Diversity Both Provide Federal Jurisdiction Over Class Action

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04.14.2016

Southern District of California Diffuses Hairdryer Class

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02.15.2016

Food for Thought: 2015 Litigation Annual Review

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01.20.2016

Supreme Court Rules Unaccepted Rule 68 Offer of Judgment Cannot Moot Class Action

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01.15.2015

Judicial Conference Approves Amended Rule 37(e) on Lost ESI

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06.19.2014

Standing Committee Approves Proposed Revised Rule 37(e)

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06.03.2014

Supreme Court Accepts Certiorari in CAFA Removal Case

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02.01.2014

The Proposal For Settlement – An All-Or-Nothing Proposition?

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12.19.2013

Spray Polyurethane Foam Insulation Products Liability Litigation – An Update

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08.30.2013

A Double Play for Prescription Drug Manufacturers in the Eleventh Circuit

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05.24.2013

Spray Polyurethane Foam Insulation Products Liability Litigation – Cooling Down or Heating Up?

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03.08.2013

When the Cup Runneth Over: Cy Pres Distributions in Class Action Settlements

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03.01.2013

An Overview of the Drywall Safety Act of 2012

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02.20.2013

Advertencia: Florida Silent on Duty to Warn in Spanish

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12.28.2012

An Overview of the Global Chinese Drywall Settlement

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04.01.2012

What You Need to Know About Certificates of Insurance

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10.17.2011

D'Amario Comes Crashing Down

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12.06.2010

Timing and Sequence of Jury Instructions in Civil Cases

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08.09.2010

Chinese Drywall Update

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11.09.2009

An Overview of Florida's New Complex Litigation Rule - Fla. R. Civ. P. 1.201

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06.02.2008

Vicarious Liability of Motor Vehicle Rental Companies - The Graves Amendment

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08.01.2007

Opening Statements in Jury Trials: Just How Important Are They?

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07.02.2007

Joint Proposals for Settlement and Vicarious Liability – Rule 1.442(c)(3)

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01.01.2006

Motions to Dismiss

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01.01.2006

Monograph of State Warnings Law (a 50 state survey) - FLORIDA

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09.01.2005

Litigation 101: Preparing a Bill of Costs

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09.01.2005

A 50-State Review of State Warnings Law

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05.14.2004

The Restatement Sections Specifically Applicable to Pharmaceutical and Medical Device Cases in State Court: A 50 State Survey

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## News

08.19.2021

Eight Carlton Fields Attorneys Named 2022 “Lawyers of the Year”

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07.09.2018

Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida “Super Lawyers” and “Rising Stars”

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06.27.2018

Carlton Fields Construction Attorneys Author Article in The Florida Bar Real Property, Probate & Trust Law Section's ActionLine Magazine on Florida's Construction SOL and SOR Amendments

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06.23.2017

Florida Super Lawyers Ranks 92 Carlton Fields Attorneys as 2017 "Super Lawyers" and "Rising Stars"

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06.21.2017

Carlton Fields Ranked Top Firm and Attorneys Named Legal Leaders in Florida Trend Magazine's 2017 "Legal Elite"

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## Recognition

- AV Rated by Martindale-Hubbell
- Certified Circuit Civil Mediator by the Florida Supreme Court
- Certified Mediator by the U.S. District Court for the Middle District of Florida
- *The Best Lawyers in America*
  - Tampa "Lawyer of the Year," Product Liability Litigation – Defendants (2022)
  - Construction Litigation, Mass Tort Litigation/Class Actions – Defendants, Product Liability Litigation – Defendants (2020–2024)
- Florida Super Lawyers, *Super Lawyers Magazine* (2012–2023)
- Florida Legal Elite, *Florida Trend Magazine* (2007, 2011, 2017)

## Professional & Community Involvement



- American Bar Association
  - Tort Trial and Insurance Practice Section
    - Aviation and Space Law Committee
    - Business Litigation Committee
    - Products Liability Committee
  - Section of Litigation
    - Business Torts and Unfair Competition Committee
    - Class Actions and Derivative Suits Committee
    - Commercial and Business Litigation Committee
    - Construction Litigation Committee
    - Mass Torts Litigation Committee
    - Products Liability Committee
- Defense Research Institute
  - Aviation Law Committee
  - Commercial Litigation Committee
    - Class Actions Specialized Litigation Group
  - Construction Law Committee
    - Construction Defect Specialized Litigation Group
  - Drug and Medical Device Committee
  - Product Liability Committee
    - Building Products Specialized Litigation Group
    - Co-Editor, *Building Blocks Newsletter*
    - Mass Torts and Class Actions Specialized Litigation Group
- The Florida Bar
  - Thirteenth Circuit Grievance Committee "F" (2016–2018)
  - Civil Procedure Rules Committee (2013–2015)
  - Construction Law Committee of the Real Property, Probate, and Trust Law Section
  - Trial Lawyers Section
- American Diabetes Association
  - Leadership Council (2003–2007)
- Federal Bar Association
- Federation of Defense and Corporate Counsel

- Ferguson-White American Inn of Court
  - Master (2019–present)
  - Barrister (2005–2018)
  - Board of Directors (2008–2010)
- Florida Defense Lawyers Association
  - Products Liability Committee
- Florida State University College of Law Alumni Association
  - Board of Directors (2007–2010)
- International Association of Defense Counsel
- Hillsborough County Bar Association
  - Board of Directors, Trial and Litigation Section (2006–present)
  - Construction Law Section
- Leadership Tampa, Class of 2014
- Tampa Connection
  - Board of Directors (2007–2010)
  - Class of 2006

## Credentials

### Education

- Florida State University College of Law (J.D., 1998)
- Florida State University (B.S., 1994)

### Bar Admissions

- Florida

### Industry Specialization

### Certifications

- Circuit Civil Mediator

### Court Admissions

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