

MIAMI BEACH
PROPERTY SELLS

SEE PAGE A10

dbrr

DAILY BUSINESS REVIEW

WWE Tags In Davis Wright Tremaine Partner for Business, Legal Affairs Role

by Dan Clark

A longtime Big Law attorney will be leaving private practice to become the senior vice president of business and legal affairs, entertainment and talent management at Stamford, Connecticut-based World Wrestling Entertainment.

Based in New York, Darren Traub said he will be joining the wrestling organization Jan. 25 after 21 years in private practice. In his new role, he will be responsible for overseeing production for television, film studios, record label, live events and all of the talent management group.

"My specialty has been putting together unique opportunities for different clients, finding unique deals in the gaming, music or live events. The opportunity to do all of that for one brand, especially for one as iconic as the WWE, was too good to pass up," Traub said in an interview Tuesday.

Traub most recently served as a partner at Davis Wright Tremaine and has also held roles at Akerman LLP and Herrick Feinstein. Traub graduated from the University of Richmond School of Law.

SEE WWE, PAGE A2

PUBLIC NOTICES & THE COURTS

Public notices, court information and business leads, including foreclosures, bid notices and court calendars. **B1**

Public notices from Miami-Dade, Broward and Palm Beach also available at DailyBusinessReview.com/public_notices.jsp. Public notices published in newspapers statewide available at FloridaPublicNotices.com.

Should you have delivery questions, call 1.877.256.2472

Daily Business Review is published daily Monday through Friday, except legal holidays, by ALM Media, LLC, 1 SE 3rd Ave., Suite 1750, Miami, FL 33131, (305) 377-3721.

© 2021 ALM, Daily Business Review (USPS 344-300) (ISSN 1538-1749) Miami.
Subscription Rates: One year (253) issues - basic (individual and small firms): \$575.88 plus tax; discounted group rates available. Single copies (M-F) - \$2.
Back issues when available (M-F) - \$6. Periodicals postage paid at Miami, FL.

POSTMASTER: Send address changes to Daily Business Review, 1 SE 3rd Ave., Suite 1750, Miami, FL 33131

Coral Gables Attorneys Reach \$5 Million Pre-Lawsuit Settlement in Premises Liability Case

by Michael A. Mora



Attorneys Michael Haggard, left, and Adam Finkel of Haggard Law Firm in Coral Gables said this negligent security case is part of a larger trend that businesses have to reckon with to avoid exposure from expensive litigation.

Two Coral Gables attorneys obtained a multimillion-dollar pre-lawsuit settlement for their client, a father of four.

Their client Paul Barry-Austin became paralyzed more than a year ago after he sought to defend his family from suspicious people nearby his Miami apartment, according to court filings.

Attorneys Michael Haggard and Adam Finkel, the managing partner and an associate at the Haggard Law Firm in Coral Gables who represented Barry-Austin in the litigation, said this negligent security case is part of a larger trend that businesses have to reckon with to avoid exposure from expensive litigation.

"Security is on everyone's mind right now," Haggard said. "Not only because of what has been going on in the capital, but with mass shootings and the violence in our society, companies are on

SEE LIABILITY, PAGE A6

Florida Lawyers Use Kitchen Knife From Publix to Underpin Premises Liability Suit

by Raychel Lean

A kitchen knife that was used in a deadly stabbing attack during a children's sleepover is now the centerpiece of litigation against Publix Super Markets Inc., which failed to dismiss allegations that it's liable for selling the murder weapon to a minor.

The litigation hinges on a theory of premises liability that the plaintiff's team hopes could push the supermarket to make permanent policy changes.

Three lawsuits have been filed over the attack, one of which revolves around 13-year-old Giovanni Sierra Branz, who was stabbed 32 times and died March 13, 2018, at a Palm Beach Gardens sleepover for his birthday.

Two other lawsuits stem from host Dane Bancroft and his mother Elaine Simon, who were severely injured in the attack. They were consolidated for the motion to dismiss.

Corey Johnson, who was 17 at the time, is accused of committing the crime with a six-inch stainless steel utility knife he bought at Publix hours earlier. He's awaiting trial, having pleaded not guilty, though his probable-cause arrest affi-



Andrew A. Harris of Harris Appeals in Palm Beach Gardens steered this lawsuit past a motion to dismiss.

davit said he told investigators he had committed the stabbings "because of his Muslim faith."

Palm Beach Public Defender Carey Haughwout is representing Johnson, and did not immediately respond to a request for comment.

SEE KNIFE, PAGE A2

'New Normal' Adaptation Leads Miami Immigration Practice to Migrate to Coral Gables

by Lidia Dinkova

An immigration law firm migrated from its preeminent location in Miami's Brickell Financial District to Coral Gables, in a move that is its own adaptation of the "new normal" of the coronavirus pandemic.

S.D.A. Immigration Law was attracted to more suburban Coral Gables, which is growing and still offers an urban core feel, in part for its proximity to employees' homes. After nearly a year of working from home and completely eliminating traffic from their daily routine, staff members will be returning to the office but with a much shorter commute than when they worked in Brickell.

"Identifying an office location that provides a seamless commute, after several months without traffic, is a form of adapting to the new normal," said Gordon Messenger, the landlord's leasing agent.

S.D.A. Immigration leased a 2,219-square-foot space on the 10th

SEE IMMIGRATION, PAGE A2

FROM PAGE A1

IMMIGRATION

floor at Ofizzina, a relatively new office-condominium tower, under a six-year term. The firm declined to disclose the lease value.

The boutique law firm is moving all employees from the Bank of America Financial Center to 16-story Ofizzina at 1200 Ponce Leon Blvd.

Aside from the convenient commute, S.D.A. was attracted to the modern design and amenities, such as rooftop terraces as well as the large windows allowing natural light, said managing partner Morella Salazar-Dager.

"In addition to avoiding congestion going to and from the office, we found that Coral Gables provides a more competitive price per value than Brickell and Downtown Miami," Salazar-Dager said.

There also are electric vehicle charging stations and a gym.

S.D.A.'s clients include individuals and companies in the U.S. and abroad, including Central and South America, Canada, Mexico and Europe.

Ofizzina, a Class A tower completed in 2018, offers 97,000 square feet of office space and has been highly coveted for its boutique design, as it offers only 54 office spaces. Among the firms that managed to get a space is New York-based investment adviser Hidden Lake Asset Management LP, which opened its first South Florida office there.

Real estate development firms TSG and BF Group, both based in Coral Gables, partnered to develop Ofizzina. New York-based MKDA designed the building.

Law firms have been paying more attention to their workspace layout in recent years with many taking it upon themselves to design their new offices.



The boutique law firm is moving all employees from the Bank of America Financial Center to the 16-story Ofizzina, above, at 1200 Ponce Leon Blvd.

Some of the biggest trends are same-sized offices for all attorneys regardless of seniority as well as more conference and common areas.

Salazar-Dager said the Ofizzina space already was designed and available turnkey but the glass-enclosed offices are comparable in size.

Salazar-Dager and Frances Delafuente are S.D.A.'s two attorneys who work with four support staff members.

In another recent South Florida relocation, Hunton Andrews Kurth

also left Brickell for the Wells Fargo Center in downtown Miami. It previously was at the Sabadell Financial Center.

Hunton Andrews embraced office trends, as its new, more modern space has same-sized offices for all attorneys, as well as six large conference rooms and five Zoom meeting rooms.

Messinger, the Ofizzina leasing agent who also is executive managing director at Cushman & Wakefield, said all types of companies are reexamining their real

estate needs in light of the post-pandemic new normal.

"Companies are preparing now for the start of the new year and making decisions for office space based on updated needs and priorities," he said. "Ofizzina is looking forward to welcoming SDA to one of its turnkey suites, as the firm explores the many benefits that Coral Gables has to offer."

Lidia Dinkova covers South Florida real estate for the Daily Business Review. Contact her at LDinkova@alm.com or 305-347-6665. On Twitter @LidiaDinkova.

FROM PAGE A1

WWE

One of the challenges Traub faces is helping the WWE to bring back live events as a COVID-19 vaccine is rolled out and the pandemic eventually eases. During the height of the pandemic, he worked on several force majeure cancellations that, he said, led to "how to keep the music going" during the pandemic.

"I've spent the past year helping live events return and drafting protocols for production," Traub explained.

WWE recently announced that Wrestlemania will be returning in Tampa Bay, Florida, this year and has plans for bringing the annual event to Dallas and Los Angeles in the coming years.

"I have stayed on top of protocols because that is my specialty and I will help them reopen in the safest way possible depending on the protocols, but the goal is to safely and correctly bring live

[events] back because I know everyone misses it," Traub said.

For Traub, working at the WWE is a dream come true. The wrestling promotion made him want to be "larger than life," he explained.

"All of them were superheroes to me growing up and led me to want to be larger than life myself," Traub said. "The fact that 47-year-old me gets to live the dream of 8-year-old me is really cool."

In November, the company reportedly let go of its general counsel, Brian Nurse,

who had been with the company since 2018. It is not clear who is currently leading the legal department.

A spokesperson for the WWE did not immediately respond to a request for comment. Neither did a spokesperson for Davis Wright Tremaine.

Dan Clark covers cybersecurity, legal operations and intellectual property for Corporate Counsel, an ALM affiliate of the Daily Business Review. Contact him at dclark@alm.com. On Twitter: @DancClark.

FROM PAGE A1

KNIFE

'IT MAKES NO DIFFERENCE'

Andrew A. Harris, of Harris Appeals in Palm Beach Gardens, is appellate counsel to Sierra Branz's mother, Karen

Sierra Velez, now living with "lifelong pain," according to her counsel.

Harris pointed to Florida law, which prohibits the sale of knives to children without a parent or guardian present and defines the knife allegedly used in the attack as a deadly weapon. He argued Publix departed from industry standards by selling it to Johnson without having a system in place to check his age.

"It makes no difference that they [Publix] didn't know that Corey Johnson was going to commit this act, or had no reason to, because they simply should not be selling these weapons to children," Harris said. "There's a reason why the legislature has said that children cannot possess these weapons, and so, by failing to have any steps in place to prevent the sale, Publix's arguments go more to trying to defend their actions from a practical perspective than a legal perspective."

Defense attorney Daniel Gerber of Rumberger Kirk & Caldwell in Orlando said, "Publix will not comment on pending litigation." But in a motion to dismiss, Publix reasoned that it couldn't have known or controlled what Johnson allegedly did with the knife — a weapon

it noted he could have easily found elsewhere.

Palm Beach Circuit Judge G. Joseph Curley denied Publix's motion to dismiss claims for negligence and negligent entrustment. But the judge agreed to dismiss a claim of strict liability, finding private plaintiffs don't have the right to bring a cause of action for violations of criminal Florida Statute 790.17, which governs the sale of weapons and firearms.

Harris said his client hopes the litigation will result in Publix implementing a safety-check similar to those it uses for alcohol, cigarettes, certain medications and lottery tickets, so that this will never happen again.

Discovery is yet to confirm whether Publix still has no system in place to prevent the sale of knives to children, but Harris said it appears not thus far.

"This is not a little table knife. This is not a little butter knife. These are weapons and they should not be sold to children," Harris said. "So, our hope in the litigation is that Publix finally implements the simple safety measures that they have for two-dollar lottery tickets."

What's more, many competitor supermarkets do restrict knife sales, ac-

cording to Harris, who said Johnson actually worked at Winn-Dixie but wouldn't have been able to buy a knife from that store.

Brian LaBovick and Peter Hunt of LaBovick Law Group in Palm Beach Gardens are trial counsel for the plaintiff.

Nelson Baez of Lytal, Reiter, Smith, Ivey & Fronrath in West Palm Beach represent Lucas Bancroft and Elaine Simon, parents of Dane Bancroft. He was pleased with the ruling.

"Florida as a state has determined that minors are not allowed to have weapons without the consent of their parent or guardian," Baez said. "Those laws apply to all retailers and to all citizens, and they apply to Publix. And when weapons are given to individuals who don't have the capacity to use those objects properly, people can get hurt."

Sean Domnick, Gregory Yaffa and Matthew Christ of Domnick, Cunningham & Whalen in Palm Beach Gardens represent Bancroft as the father of another minor at the sleepover, Kyle Bancroft.

Raychel Lean reports on South Florida litigation for the Daily Business Review. Send an email to rlean@alm.com, or follow her on Twitter via @raychellean.



Prepared. Patient. Persistent.

Neil Flaxman,
Mediator

Certified Circuit and Appellate Mediator
L.R. 16.2 Certified Dist. Ct. Mediator (S.D. Fla.)

flaxy@bellsouth.net | Availability: neilflaxman.com

Video Conferencing Available