

## MATTHEW J. WILDNER

ASSOCIATE



### AREAS OF PRACTICE

Commercial Litigation  
Miscellaneous Professional Liability  
Employment Law  
Real Estate E&O Liability  
Architectural, Engineering & Construction  
Defect Litigation  
Insurance Agents & Brokers Liability

### CONTACT INFO

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### ADMISSIONS

Florida  
2010

U.S. District Court Southern  
District of Florida

U.S. District Court Middle District  
of Florida

U.S. District Court Northern District  
of Florida

U.S. Court of Appeals 11th Circuit

### OVERVIEW

Matthew is an attorney in the Professional Liability Department, where he represents businesses, directors and officers, design professionals, contractors and homeowners associations in commercial, professional liability, construct defect, architectural, engineering, and employment disputes.

Litigating in both state and federal court, Matthew devotes a significant portion of his practice to defending design professionals and construction professionals, independently as well as through their insurance carriers, in complex construction defect suits involving a variety of claims, such as building and design-related deficiencies, code violations, negligence, breach of contract and fraud, as well as insurance coverage claims under GL policies.

Additionally, Matthew represents employers in litigation and provides advice and counsel concerning a variety of employment-related matters, including claims alleging discrimination, wrongful discharge, breach of contract and related tort claims.

### EDUCATION

Stetson University College of Law  
(J.D., 2010)

University of Florida (B.A., 2006)

Matthew graduated from the University of Florida in 2006, where he received his B.A. He obtained his *juris doctor* in 2010 from Stetson University College of Law. Matthew is admitted to the Bar of the state of Florida. He is admitted to practice before the Eleventh Circuit Court of Appeals and the United States District Court for the Southern, Middle and Northern Districts of Florida. Before moving into private practice, Matthew began his career at the Palm Beach County State Attorney's office, where he tried over 70 cases to verdict. Matthew also serves as an officer in the U.S. Army Reserve in the Judge Advocate General's Corps. He is a veteran of Operation Resolute Support, deploying to Afghanistan in 2016.

### ASSOCIATIONS & MEMBERSHIPS

Florida Bar Association

### YEAR JOINED

2021

## THOUGHT LEADERSHIP

### **FL Legislature amends Florida Civil Rights Act, limits how workplaces and classrooms around state handle discussions related to race and gender issues.**

**Fort Lauderdale  
Employment Law  
April 1, 2022**

In March, Florida's legislature passed a bill that specifically targets employers who include training on critical race theory or racism, banning any training or credentials courses that attempt to teach "an individual's moral character or status Case Law Alerts, 1st Quarter, Apri

### **Florida increases minimum wage.**

**Fort Lauderdale  
Employment Law  
April 1, 2022**

On September 30, 2022, the minimum wage will increase to \$11.00 per hour. This comes after Florida's minimum wage increased to \$10.00 per hour on September 30, 2021 (\$6.98 for tipped employees). Case Law Alerts, 1st Quarter, Apri

### **New Florida law mandates additional reporting requirements for newly retained independent contractors.**

**Fort Lauderdale  
Employment Law  
January 3, 2022**

Beginning October 1, 2021, Florida businesses are required to report new hire information for independent contractors to the Florida Child Support Program. Case Law Alerts, 1st Quarter, Janu

### **Questions on job application lead to suit against Florida employer.**

**Fort Lauderdale  
Employment Law  
January 3, 2022**

A December 8, 2021, decision in the U.S. District Court for the Middle District of Florida means a lawsuit against a Lee County library will continue. Case Law Alerts, 1st Quarter, Janu

## **MEDIA COMMENTARY**

"How Serving as a JAG Reservist Sharpens This Marshall Dennehey Attorney's People Skills," *Daily Business Review*, May 2, 2022

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Represented General Contractor facing class-action lawsuit with damages claimed to exceed \$1 billion. Consulted and managed multiple expert teams to defend against allegations that construction vibrations caused by the client and its subcontractors contributed to the collapse of an adjacent condominium. Representation contributed to amicable early settlement that allowed the insurer to quickly move and spared the client ongoing reputational damage.

Represented General Contractor of high-rise condominium complex against the owner/developer who alleged a multitude of construction defects. Drafted a MSJ that reduced scope of claim by close to \$1 million and contributed to successful counterclaim.

Represented subcontractor sued by Condominium HOA and General Contractor for subcontractor's limited scope of work in case containing over 20 parties. Negotiated quick and minor payouts as to all claims which resulted in carrier saving close to \$100k in attorney's fees as opposed to protracted and costly litigation.

Obtained summary judgment in favor of a south Florida municipality. The lawsuit was filed against the municipality by a member of the police department, who alleged unlawful termination due to his Post Traumatic Stress Disorder diagnosis. The suit alleged a breach contract and violations of the Americans with Disabilities Act, Title VII of the Civil Rights Act, and the Family Medical Leave Act. The defense argued that the Plaintiff was not a qualified individual for the position of police officer because he could not perform the essential functions of his job with or without a reasonable accommodation, and that Plaintiff failed to state a claim on the Breach of Contract and title VII claims. The court agreed with the defense on both points and summary judgment was granted. This was a substantial victory for the municipality, the court ruling not only upheld the termination of an unqualified employee but also avoided a potential costly judgment against the Defendant.