



WOOD SMITH HENNING & BERMAN LLP

Attorney Bio

Jason Klein is the managing partner of WSHB's Denver office and a partner in the Firm's Florida offices. Jason is an experienced trial lawyer whose practice is dedicated to complex civil litigation in the areas of commercial business litigation, the representation of financial institutions, employment litigation and wrongful termination defense matters, Americans with Disabilities Act ("ADA") claims and compliance, as well as construction defect, transportation, professional liability and complex general liability litigation. Jason has represented international, national, and regional corporations, carriers, and businesses (including Fortune 500 companies) and individuals in both state and federal courts in Colorado, Florida, Kansas, Missouri and Wyoming. He has extensive experience representing clients in breach of contract disputes, creditors-debtors' rights actions, as well as experience in construction defect litigation for national homebuilders, contractors, developers, and other construction-related professionals, as well as copyright and trademark infringement litigation.

In addition, Jason assists our national insurance coverage practice by advising and representing domestic and international insurers on first-party property (Homeowner's and Commercial), commercial general liability, construction defect, and professional errors and omission claims. Jason has successfully litigated a wide variety of first-party and third-party insurance cases, including the interpretation of policy provisions and exclusions.

Jason was in-house counsel in Resort Management for Wyndham Vacation Ownership, Inc. While at Wyndham, he negotiated, drafted, reviewed and analyzed complex commercial agreements and contracts, including detailed commercial leases, vendor contracts and purchase agreements, as well as participated in drafting the company's ADA internal operating plan to address key issues presented under the ADA at Wyndham's vacation resorts throughout the United States. In addition, Jason has also represented commercial and residential borrowers in foreclosure and receivership actions, as well as complex loan workouts. He is AV Preeminent rated by Martindale-Hubbell and has been selected for inclusion into Florida Trend's "Florida Legal Elite." Jason is also a regular presenter on trial and litigation strategy.

Education

University of Kansas School of Law (J.D., 2001)

The University of Kansas (B.A., 1997)

Licensed to Practice in:

Jason H. Klein

Partner



Denver

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Colorado, Florida, Kansas, Missouri, Wyoming

Practice Areas

ADA Compliance and Defense

Commercial and Business Litigation

- Prosecution and defense of Fortune 500 companies and regional businesses in breach of contract, fraud, and other business tort claims.
- Negotiation and drafting of contracts and other commercial agreements, including construction contracts, non-disclosure and non-compete agreements, and employment contracts.
- Coordination of risk management activities.
- Defense of businesses against claims made under Florida's Deceptive and Unfair Trade Practices Act, including defense of water treatment company in Florida class action lawsuit.
- Representation of corporate borrowers/debtors in Chapter 11 bankruptcy proceedings and bankruptcy related litigation (including, assignment for the benefit of creditors and adversary proceedings).
- Counsel clients on complex contract dispute issues.

Construction

- Defense of developers, general contractors, construction managers and design professionals in litigation involving commercial and residential properties, including construction defect litigation.
- Defense of property owners, developers, contractors, and subcontractors against claims arising from commercial and residential construction sites, including water intrusion and mold cases.
- Prosecution and defense of developers against claims of fraud and negligent misrepresentation.
- Prosecution and defense of claims for damages due to delays in construction.
- Prosecution and defense of claims for indemnification and breach of contract.

Directors and Officers (D&O) Litigation

- Represents several different types of clients in D&O defense matters, including but not limited to assisting management companies, developers, owners, and association groups with their legal challenges.

Employment

- Defense of large retailers and businesses in ADA compliance issues.
- Advise employers on best practices and management strategies to avoid claims.
- Defense of employers in Title VII of the Civil Rights Act of 1964.
- Defense of employers in Title I claims brought under the ADA.
- Defense of employers in harassment, discrimination, and retaliation claims.

- Advises employers on all aspects of responding to wage and hour audits conducted by the Department of Labor and similar state agencies, as well as conducting self-audits to ensure proactive compliance.
- Represents employers in response to NLRB complaints of unfair labor practices under the National Labor Relations Act, which applies to all workplaces regardless of union representation.

Insurance

Intellectual Property

- Representation of businesses in cases involving allegations of copyright infringement and violations of the Lanham Act in State and Federal court.
- Counsel clients on confidentiality, non-competition, and employment contracts.
- Defense of famed Hollywood director against allegations of trademark confusion/infringement.

Professional Liability

- Defense of professional liability claims against engineers, design professionals, insurance agents and brokers, real estate agents, and miscellaneous professionals.

Transportation

- Represent national trucking/transportation carriers in catastrophic fatalities in Florida, Kansas, and Missouri — including jury trials in Kansas and Missouri.

Trial & Appellate Results

- *Becky McCray v. Lockheed Martin Corporation*, 2020 WL 495376 (D. Colo. 2020) (slip copy) (successfully obtained dismissal with prejudice, and defeated motion for remand, of civil action involving application of Colorado's Dram Shop Act)
- *Brian Shutts v. Precision Assessment Technology Corporation*, 2009 WL 960103 (M.D. Fla. 2009) (successfully defeated motion to dismiss and/or stay and alternative motion to transfer case from Florida to Vancouver, British Columbia, in a matter involving a breach of a Canadian share purchase agreement)
- *Crowe v. True's IGA, LLP*, 85 P.3d 1261 (Kan. App. 2004) (affirming summary judgment in a premises liability matter)
- *Hollinger v. Sifers*, 122 S.W.3d 112 (Mo. App. W.D. 2003) (affirming dismissal under Missouri's long-arm statute)

Awards & Accomplishments

- AV® Preeminent™ rated by Martindale-Hubbell
- Florida Trend's Legal Elite, 2016

Seminars, Events & Presentations

- Presenter, “Seven Habits that Define a Highly Effective Claims Team,” CLM Webinar, August 2020
- Ethics in Claims Handling, RISE (Rising Insurance Star Executives) Webinar, September 2019
- The Comedy and Tragedy of Claims: Ethics in Claims Handling, Comedy Works, Denver, CO, August 2019
- Speaker, Envista Forensics Construction Defect Roundtable, New York City, September 2018
- Legal Ethics: What You Need to Know When Defending Under a CGL Policy, National Business Institute’s “Commercial General Liability (CGL) Policy: The Complete Guide” Seminar, Tampa, Florida, December 2017
- How to Get Your Social Media, Email and Text Evidence Admitted (and Keep Theirs Out), National Business Institute Seminar, Tampa, Florida, December 2016
- Caveat Lector: Reader Beware: Florida Construction Contracts and Updates in Florida Law, 2016 Southeast Building Conference (SEBC), Orlando, Florida, July 2016
- Written Discovery: How to Draft to Get What You Need, Proper Objections, and How to Deal with Improper Objections and Misbehavior, Hillsborough County Bar Association’s Professionalism Committee, March 31, 2016
- The Rules of Evidence: A Practical Tool Kit (A Real World Application of Evidence to Courtroom Events), NBI (National Business Institute), Tampa, Florida, December 2015
- Wet, Wild, Windy Construction Claims Issues and Their Effects on Coverage Decisions, RIMKUS Consulting Group, Inc.’s 12th Annual CLE Seminar, Tampa, Florida, June 2015
- Written Discovery: How to Draft to Get What You Need, Proper Objections, and How to Deal with Improper Objections and Misbehavior, Professionalism Committee of the Orange County Bar Association, 2015
- Keep Calm and Follow the Rules: The Complex Business Litigation Court Rules, Business Law Committee of the Orange County Bar Association, 2014
- Guest Lecturer, Contracts II, Florida A&M University College of Law, 2011

Memberships

- Member, Business Law Section, The Florida Bar
- Member, Labor & Employment Section of Hillsborough County Bar Association
- Member, Hillsborough County Bar Association, Construction Law Section

Community Activities

- Guardian ad Litem, Orange County Bar Association Legal Aid
- Board of Directors, Make-A-Wish Foundation of Central Florida, 2006 — 2013
- Board of Directors, Catholic Charities of Central Florida, 2006 — 2008