

## Kyle F. McCabe

Associate

### St. Petersburg

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## Overview

Kyle McCabe is an associate in the firm's Litigation and Dispute Resolution Practice Group. Kyle previously worked for Trenam as a Summer Associate while in law school. Additionally, he served as a Federal Judicial Extern for the U.S. District Court, Middle District of Florida under the Honorable Anthony E. Porcelli.

## Representative Matters

Kyle represents clients in general business and civil litigation. These matters have included:

- Represented a commercial landlord in post-eviction claim for damages caused by a former tenant during a lease; obtained final summary judgement on all claims, including for treble damages under Florida's Civil Theft statute.
- Represented a real estate acquisition and management firm, which specializes in hotels, and associated individual and entities in defending multi-million-dollar claims brought against them by a former employee; drafted Federal Rule 50 Motion for Judgment as a Matter of Law that was partially granted after the plaintiff rested his case during a one-week federal jury trial.
- Successfully defended a group of 16 chiropractors, chiropractic clinics, medical doctors, and a nurse practitioner who were sued by State Farm for fraud, civil conspiracy, unjust enrichment, FDUPTA and declaratory relief, alleging medically unnecessary treatment of over 1,000 patients over the course of 6 years. The jury returned a 100% defense verdict after a 3 week trial.
- Represented international wine maker and associated individuals and entities in defending breach of fiduciary duty, conspiracy, aiding and abetting, breach of contract, and unjust enrichment claims seeking multi-million dollar disgorgement damages. After a multi-week trial in Miami-Dade County's complex business division, a full defense verdict was entered by the court. After this ruling, the case, and the clients' claims for attorneys' fees and costs from the plaintiff, ultimately settled favorably.
- Represented an auto warranty company; in obtaining a final judgment denying and dismissing all claims against the company after a bench trial.
- Represented a lender involved in a construction dispute; obtained dismissal of all counts prior to filing a response in the action.
- Represented a financial institution in a foreclosure action; obtained substitute service through the Secretary of State and a default judgment against the defendants who were concealing their whereabouts.
- Represented an insurance company defending a claim alleging breach of its policy; obtained favorable settlement prior to filing any responses or answering the plaintiff's written discovery.
- Represented a global assistive technology provider that had a default entered against it in a writ of garnishment action; vacated default and obtained dismissal of garnishment.
- Represented an electrical contractor in a proceeding to enforce non-competition and non-solicitation agreements; obtained a settlement for damages resulting from a violation of an injunction.
- Represented a business in defending an unpaid wage claim; obtained partial summary judgment which significantly reduced the amount of potential



## Alternate Contact

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## Practice Areas

- [Litigation and Dispute Resolution](#)

## Education

- J.D., *magna cum laude*, Stetson University College of Law, 2020
  - *Stetson Law Review*
  - Dispute Resolution Board
  - Trial Team Competitor
- B.A., Auburn University, 2012

## Admissions

- Florida
- United States District Court, Middle District of Florida
- United States District Court, Southern District of Florida

damages.

- Represented a landscaping company in a dispute against a competitor over a breach of a non-disclosure agreement; obtained summary judgment on all issues besides damages, which led to a favorable settlement prior to trial.
- Represented a general contractor in a dispute with residential homeowners; successfully defended a motion for summary judgment on the homeowners' fraudulent lien claim.
- Represented a commercial landlord in eviction proceeding; obtained full payment of all past due rent, late fees, interest, and attorneys' fees owed by the tenants without having to file the eviction action in court.
- Represented a residential property manager seeking possession and damages from a tenant who was behind on rent and caused physical damage to the property; despite CDC eviction moratorium in effect at the time, obtained judgment for possession and damages.
- Represented a residential tenant in specific performance suit to purchase the leased property from his landlords after they tried to back out of the contract; obtained mediated settlement whereby the tenant purchased the property.
- Represented a commercial property manager in obtaining final judgment against a corporate guarantor for full payment of past-due rent, late fees, interest, and attorneys' fees and costs.

## Honors and Distinctions

- *Florida Super Lawyers*, Rising Star, 2023-2024

### While in law school:

- Edward D. Foreman Most Distinguished Student Award May 2020 Stetson University College of Law
- Nominee for the Order of Barristers May 2020 Stetson University College of Law
- Most Outstanding Associate Spring 2020 Stetson Law Review
- Research and Writing II: Employment Discrimination Teaching Assistant Spring 2020
- South Texas Trial Team Member Spring 2020 Stetson University College of Law
- ABA Arbitration Competition National Qualifier Spring 2020 Stetson University College of Law
- ABA Tax Challenge Team Member Fall 2019 Stetson University College of Law
- Federal Income Taxation Teaching Assistant Fall 2019
- Highest Grade Designation Bankruptcy Fall 2019
- Highest Grade Designation Sales/Leases Fall 2019
- Member of the Willem C. Vis International Commercial Arbitration Moot Competition Team
- Torts Teaching Assistant Spring 2018
- Highest Grade Designation Real Property Spring 2018
- Highest Grade Designation Torts Spring 2018
- Dean's List Fall 2019; Spring 2019; Spring 2018; Fall 2017
- Intramural Basketball MVP Stetson University College of Law

## Professional Involvement

- Business Law Section of The Florida Bar
  - Legislative Task Force, Amending Chapter 48 of the Florida Statutes, 2021
- St. Petersburg Bar Association
- The Florida Bar

## Community Involvement

- St. Pete-Clearwater Auburn Alumni Affiliate
  - Member of the Board, 2022 Present
  - Chairman of the Young Alumni Committee, 2022 Present
  - Treasurer, 2023 - Present

## Thought Leadership



- "Intro to Business Law", Speaker, University of Tampa Intro to Business Law, March 2022
- "Intro to Business Law", Speaker, University of Tampa Intro to Business Law, October 2021