

## Marie Tomassi

President/Former Managing Shareholder

### St. Petersburg

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## Overview

Marie Tomassi joined the firm in 1988 and has been a Shareholder since 1995. She is Florida Bar Board Certified in Appellate Practice and has more than 25 years of experience in ERISA litigation and other complex matters.

Marie is President and Former Managing Shareholder of Trenam Law, serving on the firm's Executive Board, and leads the firm's Appellate Practice.

## Representative Matters

- Secured affirmances of judgment holding claim is excepted from chapter 13 discharge where the loan is current on the petition date, there is no default to be cured and the debtor proposes to maintain monthly contractual payments directly to lender. *Dukes v. Suncoast Credit Union (In re Dukes)*, 2016 WL 5390948 (M.D. Fla. Sept. 27, 2016); *Dukes v. Suncoast Credit Union (In re Dukes)*, 909 F. 3d 1306 (11th Cir. 2018). In affirming, the Eleventh Circuit decided - as a matter of first impression - the meaning of provided for in 11 U.S.C. 1328(a). The Eleventh Circuit held that a Chapter 13 plan that states mortgage payments would continue to be made directly to the creditor outside of the plan does not provide for the mortgage debt and therefore that debt is not discharged by the successful completion of the plan.
- Secured affirmances of (a) settlement agreement reached by chapter 7 trustee with primary creditor over debtor's objection and (b) denial of debtor's motion to convert chapter 7 case to one under chapter 11. *Daughtrey v. Rivera (In re Daughtrey)*, 2015 WL 5604764 (M.D. Fla. 2015); *Daughtrey v. Rivera (In re Daughtrey)*, 896 F. 3d 1255 (11th Cir. 2018). In affirming, the Eleventh Circuit determined, as a matter of apparent first impression in the circuit, the abuse of discretion standard of review applies to a bankruptcy court's denial of a motion to convert a Chapter 7 case to one under chapter 11.
- Secured an affirmation in the Eleventh Circuit of a district court's summary judgment holding that a financial institution was not liable to the receiver plaintiff for claims of negligence or under the Florida Uniform Fraudulent Transfers Act in a case where the receiver alleged damages in excess of \$100 million.
- Successfully preserved for construction company client a judgment in excess of \$400,000 and the right to recover attorneys' fees against a sub-contractor on counterclaims, by winning an appeal in the Eleventh Circuit.
- Secured reversal of federal court injunction enjoining state court action.
- Secured affirmation of judgment in excess of \$40 million in complex business contract litigation.
- Secured reversal of judgments exceeding \$10 million against an individual in a partnership dispute.
- Set the law in the Second District regarding obtaining billing records of a party seeking fee award.
- Set the law in the Second District on an issue regarding temporary attorneys' fee awards in family law.
- Set the law in the Eleventh Circuit on the statute of limitations applicable to criminal bankruptcy fraud, securing reversal of a guilty verdict.
- Secured affirmation of judgment in excess of \$22 million in a family business dispute.



## Alternate Contact

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## Practice Areas

- Appellate
- ERISA, Employee Benefits and Compensation
- Litigation and Dispute Resolution

## Education

- J.D., *summa cum laude*, Stetson University College of Law, 1988
  - Graduated first in her class
- B.A., *summa cum laude*, English, University of South Florida, 1985
  - King-O'Neal Award Winner

## Admissions

- Florida
- United States Supreme Court
- United States Court of Appeals, Second and Eleventh Circuits
- Federal Circuit Court of Appeals
- United States District Court, Middle and Southern Districts of

- Secured rehearing en banc that reversed panel opinion in case regarding easement rights.
- Secured reversal of final judgment in excess of \$1 million and fee award in whistleblower case.
- Secured reversal of several million dollar judgments entered against two individuals for a failed development deal.
- Successfully preserved for our construction company client a judgment in excess of \$400,000 and the right to recover attorneys' fees against a sub-contractor on counterclaims, by winning an appeal in the Eleventh Circuit.

## Honors and Distinctions

- *Florida Trend Legal Elite Notable* - Managing Partner, 2023
- *Tampa Bay Business Journal's* 2023 Power 100
- *Tampa Bay Business Journal's* BusinessWoman of the Year, Honoree, 2022
- *Tampa Magazine's* Top Lawyers List, 2018, 2020, 2022-2024
- *The Best Lawyers in America*, Appellate Practice, 2013-2024
  - *Lawyer of the Year*, Appellate Practice, 2016, 2018, 2020, 2024
- *Florida Super Lawyers*, 2008-2024 (10+ year recognition)
- Florida Bar Board Certified in Appellate Practice
- AV Peer Review Rated by Martindale-Hubbell

## Professional Involvement

- American Bar Association, Judicial Division
  - Member since its inception
  - Appellate Judges Conference, Council of Appellate Lawyers, Member since 2006
  - Executive Committee member, 2006-2012
- The Florida Bar, Appellate Advocacy Section
- The St. Petersburg Bar Association, Appellate Practice Section

## Community Involvement

- Leadership Tampa Bay, 1998
- Mahaffey Theater Foundation, former member of the Board of Directors

## Thought Leadership

- "Brief Writing for the Second DCA," Panelist, Practicing Before Second DCA Seminar, November 2023
- "Exclusive: Longtime Trenam attorney to succeed Marie Tomassi as managing shareholder," *Tampa Bay Business Journal*, September 2023
- "ALM Mid-Market Pro Quotes Marie Tomassi on Creating Flexible Law Firm Environments," *ALM's Mid-Market Pro*, October 2022
- "Marie Tomassi Discusses Impact of Hurricane Ian in Daily Business Review," *Daily Business Review*, September 2022
- "Marie Tomassi Featured in Law.com Q&A Profile," *Daily Business Review*, August 2022
- "Marie Tomassi Discusses Trenam's Growth in Daily Business Review," *Daily Business Review*, July 2022
- "Marie Tomassi Featured in Daily Business Review Article on Law Firm Planning for 2022," *Daily Business Review*, March 2022
- "BusinessWoman of the Year: Marie Tomassi, president and managing shareholder, Trenam Law," *Tampa Bay Business Journal*, March 2022
- "Meet Marie Tomassi, a 2022 BusinessWoman of the Year honoree," *Tampa Bay Business Journal*, February 2022
- "Marie Tomassi Discusses Latest Attorneys Elected to Shareholder in Daily Business Review," *Daily Business Review*, October 2021
- "Marie Tomassi Featured in Florida Trend's Profiles in Law Section," *Florida Trend*, July 2021
- "Where Law Firms Shouldn't Cut Costs in 2021," *Law.Com Mid-Market Report*, January 2021
- "Marie Tomassi Discusses Demand for Healthcare Restructuring Counsel with Law.com," *Law.com*, October 2020
- "Adaptation for legal professionals in the wake of the pandemic," Panelist,

- Invest Tampa Bay 2020 Virtual Launch Conference, August 2020
- "Here's what Tampa law firms are looking for in recruits," Interview for *Tampa Bay Business Journal*, May 2020
- "Marie Tomassi Provides Insight on Working Remotely to Flatten the Curve for ALM's Mid-Market Report," *ALM's Mid-Market Report*, March 2020
- "Building Consensus: Engaging Partners Around Change," Panelist, 27th Annual Marketing Partner Forum, January 2020
- "Insight: An Interview With Marie Tomassi, St. Petersburg's 2020 'Lawyer of the Year' honoree in Appellate Practice," *Best Lawyers*, October 2019
- "Bad Discovery Order? Here are a Few of Your Options," *Trenam Appellate Newsletter*, October 2019
- "Appeals from the Bankruptcy Court," *Trenam's Appellate Newsletter*, August 2019
- "Marie Tomassi Discusses Trenam Law's Commitment to Enhancing Our Community in Invest: Tampa Bay," *Invest Tampa Bay*, April 2019
- "The Fundamentals of Preserving Error for Appeal," *Trenam's Appellate Newsletter*, February 2019
- "Marie Tomassi Featured in Business Observer's Economic Forecast," *Business Observer*, November 2018
- "Marie Tomassi featured in Florida Trend law report discussing client service and opportunities from tech evolution," *Florida Trend*, June 2018
- "Marie Tomassi Discusses Trenam Law's Commitment to Client Service through Strong Relationships in Daily Business Review Profile," *Daily Business Review*, March 2018
- "Staying in the Game: Getting to the Top," Panelist, Tampa Bay Chapter of the Federal Bar Association, April 2017
- "Marie Tomassi Featured in Executive Files," *Tampa Bay Business Journal*, June 2014
- "The Insider's Guide to the United States Court of Appeals for the Eleventh Circuit," Author, *Council of Appellate Lawyers*, December 2011
- "Professionalism in the Second District," (part of advanced level CLE course), Florida Bar Continuing Legal Education Committee and the Appellate Practice Section, May 2011
- "Practice in The Second District: A Seminar for Trial and Appellate Lawyers," St. Petersburg Bar Association Appellate Practice Section, 2011 - 2014
- Author/editor of Chapter 4 of the Florida Bar Civil Trial Practice Manual titled Trial Notebook, October 2011 and thereafter