



Javier A. Pacheco

partner

Javier is certified by The Florida Bar as a specialist in Business Litigation Law. He has represented clients in a wide range of disputes involving construction, real estate, trusts and estates litigation, guardianship, homeowner and condominium associations, intellectual property and trademarks, professional negligence, landlord/tenant, intentional torts, products liability, insurance coverage, and employment litigation in federal and state trial and appellate courts in multiple states. Javier also represents financial institutions in complex creditor's rights matters.

Javier has assisted manufacturers, financial institutions and individuals resolve disputes in Latin America, including Colombia, Costa Rica, Mexico and Peru.

He has counseled builders, developers, contractors, bio-technological companies, cemeteries and nonprofit agencies in various corporate governance and contract matters. In addition, Javier has conducted internal corporate investigations of potential fraud, malfeasance and Foreign Corrupt Practices Act violations in the United States, Colombia and Mexico for importers, manufacturers and non-profit agencies.

Javier has written and presented on litigation tactics, legal ethics, business law, and international law topics for the American Bar Association, the Cleveland Bar Association, the MicroEnterprise Program of Goodwill Industries of Southwest Florida, Inc., the Council of Hispanic Business Professionals and the Thomas S. Biggs Inns of Court.

CONTACT

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EDUCATION

Case Western Reserve University
School of Law, J.D., *magna cum laude*, 2005

The Ohio State University, B.A.,
magna cum laude, 2002

SERVICES

Litigation

- Appellate and Supreme Court practice
- Arbitration and mediation
- Commercial litigation
- Construction
- E-Discovery
- Financial services litigation
- Health Care litigation
- Intellectual property litigation
- Non-competition and trade secrets litigation
- Probate, trust and guardianship litigation
- Product liability
- Transportation and logistics

REPRESENTATIVE MATTERS

Litigation

- Obtained a \$20,000,000 settlement for an LLC member in litigation in Florida Circuit Court and parallel AAA arbitration proceedings against the LLC, its board of directors and other LLC members for breach of operating agreement and breach of fiduciary duty
- Obtained judgment after one-week bench trial in defending a large commercial loan servicer against claims by large group of borrowers on various lender liability grounds in Florida
- Obtained judgment after bench trial in defending a large financial institution in dispute with builder involving construction loan funds in Florida
- Obtained directed verdict after a three-day jury trial in defending professional libel and slander action in Florida
- Obtained judgment of dismissal of claims for a large state university in defending American with Disabilities Act discrimination claim in the United States District Court for the Southern District of Florida
- Represented plaintiff in pro bono civil rights action in six-day jury trial in the United States District Court for the Middle District of Florida
- Obtained temporary restraining order, preliminary injunction and final judgment of injunctive relief in favor of large insurance company on trademark infringement claims in the United States District Court for the Southern District of Florida
- Assisted large international pharmaceutical company to investigate and resolve nationwide product-defect claims, ultimately obtaining favorable resolution of claims
- Assisted international plumbing and construction products manufacturer to investigate and resolve product-defect claims in Florida and Texas
- Obtained directed verdict judgment in favor of large international transportation, logistics, and package delivery company in Ohio
- Obtained summary judgment in favor of large international packaging and paper manufacturer in defending a disability discrimination action before the United States District Court for the Northern District of Ohio
- Successfully represented large national electronics retailer in appellate proceedings defending an employment race discrimination action before the United States Court of Appeals for the Sixth Circuit

International Matters

- Assisted international manufacturer of electronic equipment in achieving compliance with legislation in Spain and Ireland adopting European Union directives for the disposal of waste electronic and electric equipment.
- Assisted international manufacturer of infrastructure-building equipment in preparing agreement with the Regional Government of Amazonas, Peru for the sale of heavy machinery.

SERVICES (CONTINUED)

Real Estate

- Commercial leasing
- Foreclosures, receiverships and workouts
- Real estate litigation

Labor & Employment

- Employment litigation
- Wage and hour compliance

Bankruptcy, Workout & Creditors' Rights

- Commercial foreclosures/receiverships
- Creditors' rights
- Debtor-creditor litigation

Business Competition Advice & Litigation

International Business & Trade

- Cross-border litigation and arbitration
- Sales representation, distribution and licensing agreements

Education

Tax, Estate Planning & Personal Wealth

- Probate, trust and guardianship litigation

Corporate & Internal Investigations

Financial Institutions

- Financial services litigation

- Assisted Mexican subsidiary of large international company in analyzing potential claims against Mexican monetary exchange house in the Northern District of Illinois Bankruptcy Court.
- Assisted clients in securing property interests in Costa Rica and Honduras.
- Conducted independent internal corporate investigation of potential Foreign Corrupt Practices Act violations in U.S.-Mexico border operations of large international manufacturer.

BAR ADMISSIONS

- Florida
- Ohio (inactive)
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Southern District of Florida
- U.S. Bankruptcy Court for the Middle District of Florida
- U.S. Bankruptcy Court for the Southern District of Florida

PRESENTATIONS

- “Probate & Trust Litigation Seminar: *Knives Out!* versus Real Life,” Porter Wright, Nov. 10, 2020
- “Construction Law Forum,” Porter Wright, Mar. 5, 2020
- “Probate & Trust Litigation Seminar,” Porter Wright, Oct. 10, 2019
- “Construction Law Forum,” Porter Wright, Mar. 20, 2019
- “Legal Aspects of the Small Business,” Spanish Small Business Seminar, Oct. 18, 2018
- “Construction Law Seminar: Building Out Your Litigation Avoidance Plan,” Porter Wright, June 28, 2018
- “2018 Youth Summit,” The Foundation for Lee County Public Schools, Mar. 25, 2018
- “Marco Juridico De Su Negocio: Proteja Su Negocio!,” MicroEnterprise Program of Goodwill Industries of Southwest Florida, Inc., June 12, 2017
- “Protect Your Business and Trade Secrets,” SCORE Naples Podcast, Feb. 23, 2017
- “When Trouble Does Knock: Lien Enforcement Update,” Construction Law Forum, Porter Wright, Nov. 9, 2016
- “Marco Juridico De Su Negocio: Proteja Su Negocio!,” MicroEnterprise Program of Goodwill Industries of Southwest Florida, Inc., June 20, 2016
- “Legal Entity Formation Update,” MicroEnterprise Program of Goodwill Industries of Southwest Florida, Inc., July 6, 2015
- “Importantes Temas Legales Para Empresarios,” Iberia Bank Hispanic Entrepreneurs Group, June 24, 2015
- “Legal Entity Formation: What is the appropriate entity form for your business project?,” MicroEnterprise Program of Goodwill Industries of Southwest Florida, Inc., Aug. 25, 2013
- “Mortgage Foreclosures and Alternatives,” Council of Hispanic Business Professionals, June 1, 2011

PUBLICATIONS

- “El riesgo de no servir a todos sus pacientes por la internet,” *D’Latinos Magazine*, October 2018

PROFESSIONAL ASSOCIATIONS

- Collier County Bar Association
- The Florida Bar Association, Trial Lawyers Section

HONORS | AWARDS

- *Best Lawyers Ones To Watch*, Commercial Litigation and Litigation – Construction, 2021
- *Naples Illustrated*, Top Lawyers, Construction Law
- Southwest Florida Federal Court Bar Association, Extraordinary Pro Bono Service Award, 2016
- *Florida Super Lawyers*®, Rising Stars Edition, 2009-2011, 2013-2020
- *Gulfshore Business*, 40 Under 40, 2014
- Lawyers of Color's Hot List, 2013
- *Kaleidoscope Magazine*, Cuarenta/Cuarenta Club (40 Hispanic leaders, ages 45 and under), 2007
- Clinical Legal Education Association, Outstanding Student Award, 2005
- The Ohio State University, Outstanding Criminology Student, 2002
- Order of the Coif

COMMUNITY

- SWFL, Inc. (formerly the Bonita Springs Area Chamber of Commerce), Board of Directors, 2016-present; YP Steering Committee Co-Chair, 2017-2018; Impact SWFL Steering Committee and Co-Founder, 2017
- Cancer Alliance of Naples, Board of Directors, 2014-2020; President, 2019-2020
- Immokalee High School, Mock Trial Team Coach, 2016-present
- U.S. Soccer National D License, Academy Soccer Coach, Florida Fire Juniors, 2016-2019; Florida West F.C., 2019-present
- Thomas S. Biggs Inns of Court, Member, 2008-present; Board of Directors 2016-present; President, 2020-2021
- SCORE Naples, Volunteer Business Counselor, 2011-2016
- Leadership Bonita, Class of 2015
- Collier County Council of Hispanic Business Professionals, 2008-2015; Board of Directors/Vice President, 2013-2015
- Esperanza, Inc., Board of Directors, 2006; Second Vice President, 2007