

# LEGAL COMMUNITY UPDATE

## \$19 Million Judgment Reversed in Florida Third District Court of Appeal



Jane Kreuzler-Walsh

**WEST PALM BEACH, Fla.** – Appellate attorney Jane Kreuzler-Walsh led a team of attorneys to win an appeal of a \$19 million summary judgment against guarantors of two multi-million dollar construction loans. Attorneys at West Palm Beach-based Kreuzler-Walsh, Compiani & Vargas, with Miami-based Payton & Associates, argued successfully against attorneys, including White & Case’s Raoul Cantero, that the trial court erred in ruling that the guarantors had waived all defenses to liability under the guaranties.

“This is a great victory for our clients,” says Jane Kreuzler-Walsh, owner of Kreuzler-Walsh, Compiani & Vargas. “There were key points of law that we were able to convey to protect our clients from a huge judgment.”

In 2005, appellant Alvaro Gorrin, Jr. partnered with Frank Segredo and Bryan Fernandez-Sastre to buy two Orlando rental properties for a 664-unit condo conversion project. Gorrin guaranteed both loans for the projects from Ocean Bank. In 2007, Ocean Bank learned that the projects had sold hundreds of units and that Segredo, a Florida attorney and an agent at Attorneys’ Title Insurance Fund, had misappropriated proceeds from condo unit sales, failing to pay Ocean Bank’s mortgages. To reduce liability, The Attorney’s Title Insurance Fund and its wholly-owned subsidiary, appellee Poker Run, acquired the loans from Ocean Bank. Poker Run then sued Gorrin for breach of guaranty. The trial court ruled in favor of Poker Run in a summary final judgment against Gorrin for \$19 million.

In the appeal, Kreuzler-Walsh’s team argued the trial court erred in ruling that Gorrin had waived all defenses to the guaranties. The three-judge panel held that the guaranties did not contain an express waiver of the lender’s duties to the guarantors and reversed the \$19 million summary judgment. The case will go back to the trial court for further proceedings.

Kreuzler-Walsh’s successful team consisted of Kreuzler-Walsh Compiani & Vargas attorneys Rebecca Mercier-Vargas and Stephanie Serafin, along with Payton & Associates’ Harry Payton and Lisa Hu Barquist.

Kreuzler-Walsh, Compiani & Vargas is a preeminent boutique appellate law firm in Florida, specializing in appeals and litigation support at all levels of Florida state and federal courts. The firm’s extensive experience has led to numerous significant results in Florida law. Kreuzler-Walsh, Compiani & Vargas’ areas of practice include: complex commercial, medical malpractice, personal injury, products liability, class action, securities, family law, probate and trust, insurance and real estate. For more information, visit [www.kwcvpa.com](http://www.kwcvpa.com).