

RESUMÉ OF
LARRY M. ROTH, ESQUIRE

AREAS OF EXPERIENCE

- Product Liability Defense Trial Work
- Personal Injury Defense Trial Work
- Class Action Defense Litigation
- Pharmaceuticals – Regulatory, Liabilities, Agreements, Antitrust, Unfair Competition, Generics and Brand Drugs
- International Product Agreements and Joint Ventures
- Licensing Agreements
- Commercial Litigation
- Regulatory Issues on Products, i.e., DOT; NHTSA, NTSB, CPSC
- Employment, Discrimination, and Work-Place Disputes
- Insurance Coverage Issues
- Mediations and Arbitrations

INDIVIDUAL INFORMATION

Larry M. Roth, Esquire
Post Office Box 1150
Winter Park, Florida 32790-1150
Cell No.: 407-222-9839
Fax No.: 407-585-6058
E-mail: lroth@roth-law.com
Born: August 10, 1951 – Knoxville, Knox County, Tennessee
Married: Christi L. Underwood – Circuit Court Judge (Retired)

RESUMÉ OF LARRY M. ROTH
ORLANDO, FLORIDA

EDUCATION:

JURIS DOCTOR – Cum Laude March 1973 – August 1975
University of Florida – College of Law Gainesville, Florida

CERTIFICATE –
European Economic Community Law June - July 1974
Cambridge University, Trinity College Cambridge, England
Comparative Legal Studies

CERTIFICATE –
Eastern European Community Law July - August 1974
Institute of Legal Sciences Warsaw, Poland

BACHELOR OF SCIENCE –
Magna Cum Laude September 1969 – March 1973
University of Tennessee Knoxville, Tennessee
College of Liberal Arts
Russian History (Major); Political Science (Minor)

EDUCATIONAL AND PROFESSIONAL DISTINCTIONS:

Order of the Coif, 1975 (law school)

Phi Beta Kappa, 1972 (college)

Phi Kappa Phi, 1972 (college)

Magna Cum Laude, University of Tennessee

Executive Editor, University of Florida Law Review, 1974-1975

Executive Editor – ***The Verdict*** (Weekly Newsletter-Holland Law Center) – 1974-1975

Phi Kappa Phi, 1975 (law school)

Law School Book Awards: Labor Law, Civil Procedure, Evidence, Conflict of Law,
Constitutional Law, Contracts, Criminal Law

Legal Research and Writing Instructor - 1975

Class Secretary, 1975 – Holland Law Center, University of Florida

Dr. Ruth Stevens' History Scholarship
University of Tennessee, Department of History, 1972

Graduated #2 in class at University of Florida College of Law

Cum Laude, University of Florida Law School

First Place – Florida Bar Journal Article Writing Contest, 1978

Outstanding Service Appreciation Award – Seminole County Bar Association, 1978

Law Day Award – Seminole County Bar Association – 1978 – 1981

Law Day Award – Orange County Bar Association – 1981

Texas Bar Foundation – 1983 Law Review Finalist Award

Board Certified – Civil Trial Attorney (2000) (2005)

Florida Supreme Court Certified Civil Mediator 2005-2015

Who's Who in Florida

Pre-eminent "AV" Rating – Martindale-Hubbell® Law Directory

2007 - 2015 Super Lawyers in Florida – Product Liability

2007 - 2015 – Best Lawyers in Orlando

2007-2015 – Best Lawyers in Orlando

PUBLICATIONS:

1. Books:

L. Roth & G. Rahdert, *Appeals to the Eleventh Circuit* © 1983 (3 volumes) (Butterworth/Michie); © 1984-2005 (initially copyrighted and published in 1983 and published until 2005)

G. Rahdert & L. Roth, *Appeals to the Fifth Circuit* © 1977 (3 volumes) (Butterworth/Michie); © 1984, 1997, 1998, 2004 (original copyright 1977, and published until 2005)

2. **Articles:**

- A Suggestion for Judicial Efficiency*, *Florida Bar Journal*, Vol. LVIII No. 1, January 1985
- Appellate Practitioner and the Fifth Circuit Brief*, *Florida Bar Journal*, Vol. LI, 264 (May 1977)
- Book Review: The Brethren**, *Florida Law Review*, Vol. XXXI, Pg. 1010-1018 (1979)
- Certified Questions from the Federal Courts: Review and Re-Proposal*, 34 *Miami Law Review* 1 (1979)
- Crashworthiness Wars, Episode III: Revenge of the Burden of Proof*, *Trial Advocate Quarterly*, Vol. 25, No. 1, Pg. 11-19 (Winter 2006)
- D’Amario v. Ford – Time to Expressly State the Decision Is No Longer Viable*, *The Florida Bar Journal*, April 2011, by Wells, Lampe and Roth
- Fifth Circuit Survey: Constitutional/Criminal Law*, 29 *Mercer Law Review* 987 (1978)
- “Overview” Chapter 1 - *Florida Anti-Fencing and RICO Acts*; *The Florida Bar - Continuing Legal Education* (1982)
- Florida’s Motor Vehicle Crashworthiness Enhanced Injury Doctrine: “Wanted Dead or ...”* 18 *Barry L. Rev.* 389 (2013)
- Florida Requires Compliance with Hague Convention for Service of Process Abroad*, *Trial Advocate Quarterly* Fall 2012 Vol. 31, No. 4, pg. 13-18
- Inside the Fifth Circuit: Looking at Some of its Internal Procedures*, 23 *Loyola Law Review* 661 (1977) (co-author)
- Research Assistant to Professor Jeffrey E. Lewis, *Mandatory Joinder of Parties and Civil Proceedings: The Case for Analytical Pragmatism*, 26 *Fl. L. Rev.* 381 (1974)
- Practice Before the Fifth Circuit: Briefs and Oral Advocacy -- A Way to Do It*, 8 *Texas Tech Law Review* 847 (1977) (co-author)
- Practice Before the Fifth Circuit: Revisited*, 14 *Texas Tech Law Review* 17 (1983) (co-author)
- Prescription Drugs for Skin Disease Increase Cancer Risk*, *Products Liability Section, Association of Trial Lawyers of America*, Vol. XI, No. 2, at 4-7 (Winter 2006)
- Remembering 1965: Abe Fortas and the Supreme Court*, 28 *Mercer Law Review* 861 (1977)

- Requirements for the American Lawyer to Practice Law in Israel*, 15 *International Lawyer* 433 (1981)
- Some Tips on Depositions in Japan*, Orange County Bar Association, *The Briefs*, Volume 74, No. 29 at 9, 13 (May, 1999)
- Squeezing "Lemons" into a Mason Jar: Trial de Novo under the Lemon Law*, *Trial Advocate Quarterly*, Volume 17, No. 4, at 36-44 (1998).
- Stuart v. Hertz: Clunker that Old Car*, *Florida A&M Law Review* (Fall 2015)
- The Burden of Proof Conundrum in Motor Vehicle Crashworthiness Cases*, *Fla. B.J.*, Vol. 80, No. 2, Pg. 10-18 (Feb. 2006)
- The Florida Supreme Court Needs a Second Look at Second Collision Motor Vehicle Cases*, *Fla. B.J.*, Vol. LXXVIII, Pg. 20-27 (2004)
- The Florida Supreme Court Was Wrong in D'Amario v. Ford*, *Trial Advocate Quarterly*, Volume 23, No. 1, at 28-35 (2004).
- The Many Lives of Louis Brandeis: Progressive-Reformer. Supreme Court Justice. Avowed Zionist. And a Racist?*, *Southern University Law Review*, Issue No. 34, Pg. 123-168, Volume 2 (2007)
- Touched with Fire, Forged in Flame: Holmes and a Different Perspective*, 28 *Florida Law Review* 365 (1976)
- Trial de Novo and Evidentiary Presumptions Under the "Lemon Law": Analysis and Comment*, 24 *Nova Law Review*, No. 1, Pg. 409-467 (1999)

COURTS IN FLORIDA

All Florida courts – December 23, 1975 (Bar No. 208116)
Middle District of Florida – 1976
Southern District of Florida – 1983 (Trial Bar)
Northern District of Florida – 1995 (1977 first admission)

OTHER STATE COURTS

New York – 2005 (Bar No. 4345260)
District of Columbia – 2005 (Bar No. 73250)

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FEDERAL COURTS

United States Supreme Court - 2006
Eleventh Circuit Court of Appeals – 1981; 2005

OTHER COURTS (pro hac vice)

U. S. District Court, District of the Virgin Islands, St. Croix Division - 1987-2002
U. S. District Court, District of the Virgin Islands, St. Thomas Division - 1992-2002
U. S. District Court, District of Puerto Rico - 1994, 1998, 2000, 2002, 2004, 2005-2007
U. S. District Court, Middle District of Georgia, Macon Division - 1996
U. S. District Court, Southern District of Georgia, Brunswick Division - 1996
U. S. District Court, Southern District of New York - 1996
U. S. District Court, Eastern District of Tennessee - 1997
U. S. District Court, Northern District of Georgia, Gainesville Division - 1997
U. S. District Court, Northern District of Iowa - 1998
U. S. District Court, Central District of California, Southern Division - 1999
Court of Jefferson County, Alabama - 1987
Court of Claims of Ohio - 1994
Circuit Court of Lauderdale County, Mississippi - 1994
Circuit Court of the City of St. Louis, State of Missouri - 1995
Commonwealth of Massachusetts, Superior Court - 1995, 1998
Superior Court of California, Orange County - 1996
Superior Court of California, Contra Costa County - 1996
Superior Court of Fulton County, State of Georgia - 1997
Circuit Court of Cook County, Illinois, County Department, Law Division - 1998
District Court of Polk County, Iowa - 1998
District Court, Harris County, Texas - 1999
Probate Court, Harris County, Texas - 1999
Circuit Court of Winston County, Mississippi – 2003

TYPES OF LAW PRACTICED:

2005 – Present

General Tort Defense (20%)
Products Liability defense (40%) (all types of motorized, off road, construction and electrical products, Commercial litigation including Class Actions, employment and discrimination cases (15%), FDA regulatory and HMO formulary coverages (5%); Appeals (15%) Pharmaceuticals (Regulatory, Liability, Business Agreements) – (10%)

1989 – 2004

Product Liability defense (50%); Pharmaceuticals (25%); Commercial litigation (20%); Appeals (25%)

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1985 – 1989

Product Liability defense (40%); Pharmaceuticals (30%); General Commercial litigation (25%); Appellate (5%)

1981 – 1985

Legal malpractice (30%); Personal Injury defense (20%); Product Liability defense (40%); Appeals (10%)

1976 – 1981

Criminal defense (50%); Plaintiff Personal Injury (20%); Appeals (10%); Real Estate, Trust and Estates, Family law (20%)

1975 – 1976

Law Clerk – Legal research and writing

EMPLOYERS AND ASSOCIATES:

May 1, 2010 to January 31, 2018

Shareholder:

Rumberger Kirk & Caldwell, P.A.
Post Office Box 1873
Orlando, Florida 32802-1873
Telephone: 407-872-7300
Telephone: (Direct Dial) 407-839-2176
Facsimile: 407-841-2133

June 1, 2005 – April 30, 2010

Partner/Owner:

Law Offices of Larry M. Roth, P.A.
Post Office Box 547637
Orlando, Florida 32854-7637
Telephone: 407-872-2239
Facsimile: 407-762-6927

June 1, 2000 – May 31, 2005

Partner/Owner:

Roth, Powell, Pearson & Hosley, P.A.
Post Office Box 8900
Winter Park, Florida 32790-8900
Telephone: 407-599-2266

RESUMÉ OF LARRY M. ROTH
ORLANDO, FLORIDA

June 1, 1989 – May 31, 2000

Partner/Owner:

Roth, Edwards & Smith, P.A.
Post Office Box 945295
Maitland, Florida 32794-5295
Telephone: 407-599-2266

February 16, 1981 – May 28, 1989

Associate; Partner/Owner

Rumberger, Kirk, Caldwell, Cabaniss & Burke, P.A.
Post Office Box 1873
Orlando, Florida 32802
Telephone: 407-872-7300

September 1976 – February 1981

Associate; Partner

Law Offices of Gerald S. Rutberg
(later re-named Law offices of Rutberg & Roth, P.A.)
50555 South Highway 17-92
Post Office Box 180977
Casselberry, Florida 32718
Telephone: 407-834-4774

August 1975 – September 1976

Law Clerk to:

The Honorable Paul H. Roney (d. 2007)
United States Court of Appeals
Eleventh Circuit (then U.S. Fifth Circuit)
One Progress Plaza, Suite 1220
200 Central Avenue
St. Petersburg, Florida 33701-3851
Telephone: 727-893-3296

COURT APPEARANCES:

What percentage of your litigation was:

Civil

1995-2009	100%
1982-1995	100%
1981-1982	80%
1976-1981	20%

Criminal

1981-1982	20%
1976-1981	80%

Number of cases tried to verdict or judgment: 40

Sole counsel -	14 trials
Lead counsel -	22 trials
Associate counsel -	6 trials

What percentage of these trials was:

Jury -	90%
Non-jury -	10%

LIST OF SIGNIFICANT REPORTED CASES:

Criminal Cases:

Dickson v. Wainwright, 683 F. 2d 348 (11th Cir. 1982)

Flowers v. State, 363 So. 2d 1076 (Fla. 1978)

Lambusta v. State, 353 So. 2d 174 (Fla. 4th DCA 1977)

Quattry v. State, 362 So. 2d 64 (Fla. 4th DCA 1978)

United States v. Bulman, 667 F. 2d 1374 (11th Cir. 1982)

Civil Cases:

- Argueta v. Suzuki Motor Co., Ltd.*, 609 S. 2d 635 (Fla. 3d DCA 1992)
- American Suzuki Motor Corp. v. Friese*, 956 So. 2d 495 (Fla. 4th DCA 2007)
- Beriocochea-Cartagena v. Suzuki Motor Co., Ltd.*, 7 F. Supp. 2d 109 (D.P.R. 1998)
- Contant v. Kawasaki Motors Corp., U.S.A., Inc.*, 848 F. Supp. 170 (M.D. Fla. 1994)
- Contant v. Kawasaki Motors Corp., U.S.A., Inc.*, 826 F. Supp. 427 (M.D. Fla. 1993)
- Davich v. Norman Bros Nissan, Inc.*, 1999 WL 279478 (Fla. 5th DCA 1999)
- Davich v. Nissan Motor Corporation in U.S.A.*, 739 So. 2d 138 (Fla. 5th DCA 1999)
- Davich v. Norman Bros. Nissan, Inc.*, 807 So. 2d 825 (Fla. 5th DCA 2002)
- Foxworth v. Kia Motors Corporation, et al*, 377 F. Supp. 2d 1196 (N.D. Fla.), *aff'd.*, (2005 U.S. App. Lexis 23994) (11th Cir. 2005)
- Foxworth v. Kia Motors Corporation, et al*, U.S. Dist. Lexis 18580 (N.D.Fla.), *aff'd.*, 2005 U.S. App. Lexis 23994) (11th Cir. 2005)
- Griffin, Peter v. Kia Motors Corporation*, 843 So. 2d 336 (Fla. 1st DCA 2003)
- Harp v. American Honda Motor Co.*, 508 So. 2d 48 (Fla. 4th DCA 1987)
- Hill Dermaceuticals, Inc. v. Amneal Pharmaceuticals, LLC*, 2011 WL 6183595 (M.D. Fla. 2011)
- Hill Dermaceuticals, Inc. v. Food & Drug Admin., et al*, 709 F. 3d 44 (D.C. Cir. 2013)
- Hill Dermaceuticals, Inc. v. Food & Drug Admin.*, 524 F. Supp. 2d 5 (D.D.C. 2009)
- Hill Dermaceuticals, Inc. v. RX Solutions*, 306 Fed. Appx. 450 (11th Cir. 2008), *cert. denied*, 2009 WL 1106749, 130 S. Ct. 61
- Hill Dermaceuticals, Inc. v. RX Solutions*, 2008 WL 2359898 (M.D. Fla. 2008)
- Hill Dermaceuticals, Inc. v. RX Solutions*, 2008 WL 343290 (M.D. Fla. 2008)
- Hill Dermaceuticals, Inc. v. RX Solutions, United Health Group, Inc.*, 2008 FL 1744794 (M.D. Fla. 2008)
- Harp v. American Honda Motor Co., Inc.*, 508 So. 2d 48 (Fla. 4th DCA 1987)

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- Honda Motor Co., Ltd. v. Kimberly A. Gray*, 501 So. 2d 747 (Fla. 4th DCA 1987)
- Howard v. Honda Motor Co., Ltd.*, 723 F. Supp. 688 (M.D. Fla. 1989)
- Inter-American Sunbelt Corp. v. Borozny*, 512 So. 2d 287 (Fla. 3d DCA 1987)
- In Re: L.K.*, 352 So. 2d 539 (Fla. 4th DCA 1977)
- Kawasaki Motors Corp. v. Foster*, 899 So. 2d 408 (Fla. 3d DCA 2005)
- Kia Motors Corp. v. Cintron*, 873 So. 2d 336 (Fla. 4th DCA), *rev. dismiss.*, 880 So. 2d 1211 (Fla. 2004)
- Licul/Marles v. VWGoA*, 2013 WL 6328734 (Dec. 5, 2013, S.D. Fla.)
- Litton v. Saf-T-Green of Orlando, Inc.*, 608 So. 2d 908 (Fla. 5th DCA 1992)
- Maseda v. Honda Motor Co., Lt.*, 128 F.R.D. 124 (S.D. Fla. 1989)
- Mason v. Porsche Cars of North America*, 621 So. 2d 719 (Fla. 5th DCA), *rev. denied*, 629 So.2d 134 (Fla. 1993)
- Mason v. Porsche Cars North America*, 688 So. 2d 361 (Fla. 5th DCA 1997)
- Mason v. Porsche Cars of North America, Inc.*, 689 So. 2d 349 (Fla. 5th DCA 1997)
- Nissan Motor Corporation v. Espinoza*, 716 So. 2d 279 (Fla. 4th DCA 1998)
- Nissan Motor Co., Ltd. v. Miller*, 424 So. 2d 982 (Fla. 4th DCA 1983)
- Perez-Velasco v. Suzuki Motor Co., Ltd.*, 266 f. supp. 2d 266 (D.P.R. 2003)
- Prescott's Altama Datsun, Inc. v. Monarch Ins. Co. of Ohio*, 317 S.E. 2d 845 (Ga. App. 1984)
- Richardson v. Honda Motor co., Ltd.*, 686 f. supp. 303 (M.D. Fla. 1988)
- Rodriquez, Orlando v. Suzuki Motor Corp.*, 570 F. 3d 402 (1st Cir. 2009)
- Santiago-Padilla v. Budget Rent-A-Car Caribbean Corp.*, 2007 WL 188588 (D.P.R. Jan. 21, 2007)
- Speier Roche v. Volkswagen Group of America*, 2014 WL 1745050 (S.D. Fla. April 30, 2015) (Class Action)
- West v. Kawasaki Motors Mfg. Corp., U.S.A.*, 595 So. 2d 92 (Fla. 3d DCA 1992)

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West v. Kawasaki Motors Mfg. Corp., U.S.A., 909 F. 2d 1491 (11th Cir. 1990)

Wheel Pros, LLC v. Starr Wheel Group, Inc., 2010 WL 3815515 (S.D. Fla. 2010)

OTHER OCCUPATIONS:

Adjunct Professor – Columbia College, 1979 – 1981

Adjunct Professor – Valencia Community College, 1980- 1981

Adjunct Professor – Florida Southern College, 1980 – 1981

Adjunct Professor – University of Central Florida, 1980 -1981

Law Clerk – Giles, Hedrick & Robinson, Spring 1974

Clerk of Assistant Public Defender – Law Offices of Gerald S. Rutberg,
Summer 1972

Laborer/Ditch Digger – Harper Plumbing & Hearing, Summer 1971

Truck Driver – Harry's /Auto Parts, Summers 1969 - 1970

Truck Driver – Superior GMC Trucks, Summers 1967-1968

Shoe Salesman/Part-time – Hardy's Shoe Store – 1965 – 1969

PROFESSIONAL ASSOCIATIONS:

Seminole County Legal Aid Society (1977 – 1981)
Board of Directors, Chairman

Seminole County Law Library (1976 – 1981)
Board of Trustees, Chairman

Seminole County Bar Association (1997 – 1990)
First Vice President and President-Elect (1980-1981)
Second Vice President (1980)
Treasurer (1978 – 1979)
Secretary (1977 – 1978)
Law Day Chairman (1977 – 1981)
[Practice moved to Orange County in 1981]

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Orange County Bar Association (1976 – 2009)
Federal Practice Committee; Chairman (1978 – 1979) (1996)
Law Day Chairman (1981)
Federal and State Trial Practice Committee; Co-Chairperson
(1998 – 1999)

Orange County Criminal Defense Lawyers Association (1978 – 1981)

18th Judicial Circuit Grievance Committee; Member (1979 – 1981)

American Bar Association

Florida Defense Lawyers Association

Defense Research Institute

Product Liability Advisory Council (PLAC) (past member)

Eleventh Circuit Court of Appeals Historical Society

Florida Supreme Court Historical Society (past member)

Supreme Court Historical Society (past member)

Federal Bar Association (past member)

American Trial Lawyers Association (ALTA) (Associate Member until 2007)

Volie A. Williams American Inns of Court (past member)

SPEECHES AND LECTURES:

Hampton Seminars:	Slip and Fall cases; Federal Practice and Appeals
Seminar Planners, Inc.:	Federal Procedure
Southern Methodist University:	Appeals to the Fifth Circuit
Orange County Bar Association:	Federal Practice and Procedure
Defense Counsel Conference Scottsdale, Arizona:	Taking Depositions in Japan, Procedural and Substantive Requirements

REFERENCES AND FEE SCHEDULES UPON REQUEST