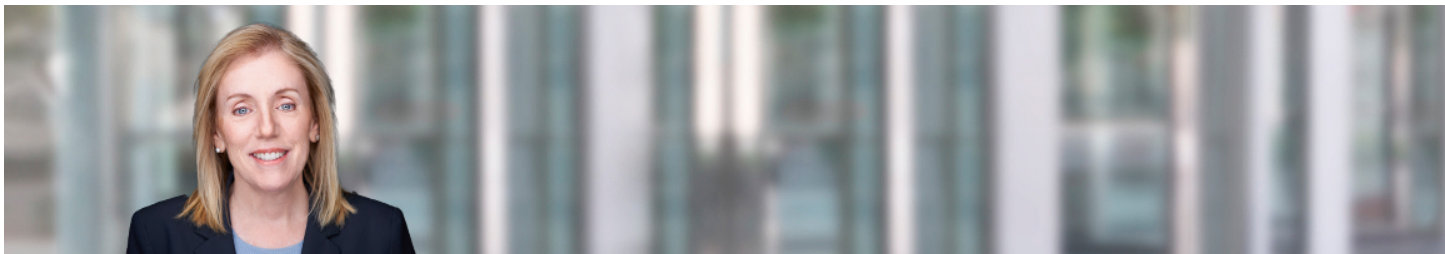


## Cecilia Duran Simmons



Shareholder

Miami Office

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Phone: 305-789-3458

### PRACTICE AREAS

Litigation & Dispute Resolution  
Banking & Financial Institutions  
Technology  
Insurance  
Class Actions  
Government Investigations &  
White Collar Crime  
Government & Administrative  
International

### LANGUAGES

Spanish

### OVERVIEW

Cecilia Simmons is a Shareholder in the Litigation Department where she practices in all areas of commercial litigation in both federal and state court. Additionally, as a member of the E-Discovery and Information Practice Group, she focuses on the management of major discovery matters as well as providing guidance on e-discovery issues.

## REPRESENTATIVE EXPERIENCE

Represented golf legend, Jack W. Nicklaus, in several matters adverse to the Nicklaus Companies, LLC, owned by New York businessman Howard P. Milstein. The representation included arbitration (AAA) brought to establish Mr. Nicklaus' right to compete with his former company. After a lengthy evidentiary hearing the Arbitrator ruled in Mr. Nicklaus' favor, establishing termination of his employment-related restrictive covenants. In a separate proceeding brought against Mr. Nicklaus by the Nicklaus Companies in the New York Supreme Court, we obtained a final summary judgment establishing Mr.

Nicklaus' ownership of his name, image and likeness and a dismissal of each and every claim the Companies had brought against him.

Part of the litigation team that achieved a \$100 million settlement on behalf of a Class consisting of 179 real estate investors. The settlement resolved claims that one of the largest commercial real estate firms in the world, and one of its employees, concealed and failed to alert our clients to an on-going multi-million dollar embezzlement scheme. It is currently pending Court approval.

For over 9 years, starting immediately after the Florida real estate market crash, represented BBX Capital Corporation and its Chairman and CEO Alan Levan, which owned the 100-branch Florida bank BankAtlantic in an SEC investigation and then enforcement action alleging BBX had concealed loan risks. A six-week jury trial and split verdict in 2014, a successful appeal to the Eleventh Circuit in 2016, and a second six-week jury trial in 2017 resulted in a verdict and judgment for BBX and Mr. Levan rejecting every claim asserted by the SEC.

Represented All Aboard Florida in a series of actions brought by Indian River and Martin Counties challenging the U.S. Department of Transportation's allocation of tax-exempt private activity bond authority to the All Aboard Florida Project and the Final Environmental Impact Statement for the Project. All Aboard Florida is developing an express passenger rail system which will connect the four largest urban population centers in Southern and Central Florida, namely, Miami, Ft. Lauderdale, West Palm Beach, and Orlando. Following extensive briefing and oral argument, the presiding U.S. District Court entered a lengthy Memorandum Opinion and Order granting summary judgment in favor of DOT and All Aboard Florida on all claims asserted. Our team were the principal drafters of All Aboard Florida's briefs in the District Court and the subsequent appeal to the D.C. Circuit, which resulted in a unanimous opinion affirming the grant of summary judgment in all respects. On October 5th 2020, the U.S. Supreme Court denied Indian River County's Petition for Writ of Certiorari, bringing to an end the six-year effort to derail the passenger rail service from West Palm Beach to Orlando.

Prevailed in administrative hearing challenging Environmental Resource Permit Modification issued to All Aboard Florida. Following a lengthy proceeding, including a two-week hearing, the presiding Administrative Law Judge issued a Recommended Order which found for All Aboard Florida on all issues and endorsed the permit under review. The permit was for a portion of the aforementioned express passenger rail system which will soon connect the four largest urban population centers in Southern and Central Florida. The Recommended Order, which was adopted by the South Florida Water Management District in its Final Order, contains the most thorough analysis to date on the issue of whether the first element of the public interest test permits consideration of non-environmental factors and provides more predictability and clarity as to the application of the public interest criteria.

Successfully represented two joint venture partners in obtaining a favorable settlement in a highly contentious dispute over the terms of a complex joint venture agreement relating to internet marketing and product sales.

Assisted Spanish investor in obtaining a preliminary injunction, after lengthy evidentiary hearings, against its joint venture partners for illegal removal from the joint venture's management committee.

Served as defendants' trial counsel for BBX Capital Corporation in a five-week securities class action jury trial in federal court in Miami, Florida. The action brought by private shareholders ended with a judgment for BBX after an appeal to the Eleventh Circuit.

Represented class of service station dealers in a federal class action against Exxon Corporation; significant responsibilities in adversary claims process, including supervision of a large team of associates and paralegals, on behalf of more than 12,000 claimants with a total recovery of \$1.1 billion.

Represented the owner of a luxury hotel in Key Biscayne, Florida in an arbitration proceeding against the general

contractor in a dispute arising out of the construction of the hotel.

Member of the trial team in a breach of contract action on behalf of the owner of the American Airlines Arena against a luxury box owner which resulted in a \$2.5 million judgment in favor of our client.

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## RECOGNITION

*Florida Super Lawyers Rising Stars, 2010-2011*

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## PUBLICATIONS & PRESENTATIONS

**Land Development News Update, Publications: DOAH Recommended Order Clarifies ERP Public Interest Criteria**  
Stearns Weaver Miller News Update | October 2017

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## NEWSROOM

**In the Media: 'Golden Bear' Roars Back: Golfer Wins Legal Fight for His Identity**  
Law.com || March 2025

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**In the Media: CBRE To Pay \$100M To End Class Action By Realty Investors**  
Law360 || August 2018

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**In the Media: Cabot Investors Win Class Cert. In \$157M Fraud Suit**  
Law360 || March 2018

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**In the Media: Alan Levan gets back to work**  
Miami Herald Business Monday || August 2017

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**In the Media: Levan, BBX cleared of SEC charges**  
South Florida Business Journal || May 2017

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**In the Media: Jury Clears BankAtlantic, CEO Of SEC Disclosure Claims**  
Law360 || May 2017

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**In the Media: Federal Jury Clears Levan and BBX on All SEC Claims**  
Daily Business Review || May 2017

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**In the Media: 11th Circ. Axes SEC Win in BankAtlantic Fraud Case**  
Law360 || September 2016

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## EDUCATION

J.D., Nova Southeastern University Shepard Broad Law Center, 2000

Dean's List

B.B.A., Florida International University, 1986

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## **ADMISSIONS**

Florida

United States District Court for the Southern District of Florida

United States Court of Appeals for the Eleventh Circuit