

## Catherine J. MacIvor

### Partner



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Ms. MacIvor, a partner at Foreman Friedman, has been rated AV® Preeminent™ by Martindale Hubbell Peer Review Ratings. She is outside general counsel for several companies and regularly provides advise concerning all compliance and human resources issues in that capacity. She possesses substantial expertise in complex commercial and class action litigation, labor and employment law, corporate compliance and other business-related legal matters and appeals in state and federal courts.

Ms. MacIvor has earned recognition as an experienced litigator and business lawyer in the areas of corporate, labor and employment and class action defense, regulatory compliance and defense of regulatory investigations and actions (including labor and employment, domestic and international data privacy laws, Americans with Disabilities Act, the Telephone Consumer Protection Act and the Telemarketing Sales Rule), consumer protection laws, civil rights, labor and employment law, and business torts. Throughout her years as a litigator, she has maintained a winning track record while innovatively defending business-related cases, regulatory compliance matters and class actions. Ms. MacIvor has also served as outside general counsel to several South Florida businesses.

#### **Admitted to Practice:**

- State of Florida

- United States Supreme Court
- U.S. Court of Appeals for the First, Fifth, Seventh, Ninth, and Eleventh Circuits
- U.S. District Courts - Southern and Middle District of Florida, Northern District of Illinois

**Presentations, Regulatory Compliance Development and Training:**

- Presentations on social media for risk managers in South Florida.
- Regularly drafts corporate policies, procedures, and manuals
- Routinely gives seminars to corporations and has provided corporate training on a wide range of regulatory compliance matters, including Americans with Disabilities Act, Title VII, sexual harassment and assault, data privacy, the Telephone Consumer Protection Act and the Telemarketing Sales Rule.

**Education:**

- University of Miami, School of Law (J.D., 1989)
- Boston University (B.A., magna cum laude, 1983)

**Representative Cases and Decisions include:**

- Charvat v. Valente, et al., Case No. 12-cv-05746 (N.D. Ill. 20012-2019). Successful defense of two of three defendants in nationwide Telephone Consumer Protection Act case resulting in favorable settlement.
- Triton II, LLC v. Randazzo et al., Case No. 18-cv-61469 (S.D. Fla. 2018-19). Successful defense of securities fraud action resulting in a favorable settlement.
- DanaMarie Provost v. Hall et al., 757 Fed. App'x 871 (11th Cir. Dec. 10, 2018). District Court affirmed by the Eleventh Circuit concerning contractual limitations period and rejected equitable tolling.

- Baer v. Silversea Cruises, Ltd., 752 Fed. Appx. 861 (11th Cir Oct. 19, 2018). In appeal handled by Ms. MacIvor, the Eleventh Circuit affirmed summary judgment concerning contractual limitations period.
- Krug v. Celebrity Cruises, Inc., 2017 WL 4277165 (S.D. Fla. Sept. 22, 2017). Summary judgment prepared by Ms. MacIvor entered against plaintiff that was affirmed. See Krug v. Celebrity Cruises, Inc., 745 Appx. 863 (11th Cir. August 14, 2018).
- Leibel v. NCL (Bahamas) Ltd., Case No. 15-cv-20721 (S.D. Fla. 2015-2016). Successful defense of personal injury action premised on purported violations of the Americans with Disabilities Act resulting in a favorable settlement.
- Seco v. NCL (Bahamas) Ltd., 2013 WL 12086207 (S.D. Fla. Oct. 3, 2013). Motion to dismiss with prejudice granted in Americans with Disabilities Act action that was affirmed. See Seco v. NCL (Bahamas) Ltd., 588 Fed. Appx. 863 (11th Cir. Oct. 2, 2014).
- United States of America v. NCL (Bahamas) and NCL America, Inc., (S.D. Florida 2003- 2010). Successful defense of regulatory investigation conducted by the Department of Justice concerning the Americans with Disabilities Act wherein a favorable settlement was achieved.
- Sun v. Norwegian Cruise Line, Case No. 02-19071-CA-15 (11th Judicial Circuit in and for Miami-Dade County 2003-2004). Class certification denied in crewmember maintenance and cure claim.
- Zagone v. Carnival Cruise Line, Case No. 02-22927-CA-01 (11th Judicial Circuit in and for Miami-Dade County 2002-2003). Successful defense of class action based on alleged breach of contract resulting in entry of summary final judgment.
- Elliott v. Carnival Cruise Line, Case No. 02-23253-CIV (S.D. Fla. 2003). Class certification denied for passengers who sought refunds for mechanical breakdown of a vessel.
- Norwegian Cruise Line v. Rose, 784 So. 2d 1248 (Fla. 3d DCA 2000-2002). Successful reversal of class certification.

- Pollack v. Norwegian Cruise Line, Case No. 908-00621-CIV (S.D. Florida 2000-2001). Successful defense of class action resulting in decertification of existing class.
- Lee v. Norwegian Cruise Line, Case No. 99-03242-CIV-Middlebrooks (S.D. Florida). Successful defense of class certification resulting in denial of class certification in penalty wage case.
- Samofal v. Royal Caribbean Cruises, Ltd., Case No. 99-14275-CA-01 (11th Judicial Circuit in and for Miami-Dade County). Successful defense of class action for emotional distress and personal injuries based upon vessel grounding. Case dismissed.
- United States of America v. Norwegian Cruise Line, Case No. 01-00244-CIV-King (S.D. Fla. 2001-2002). Successful defense of regulatory investigation and action brought by the Department of Justice concerning the Americans with Disabilities wherein a favorable settlement was achieved.
- Hutton v. Norwegian Cruise Line, Case No. 99-2383-CIV-Moreno (S.D. Florida 2000- 2001). Successful defense of class action case where passengers brought emotional distress and personal injury claims after collision in the English Channel, which was later affirmed by the Eleventh Circuit, and individual action resulted in a defense verdict.