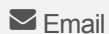


## DANA J. MCELROY

PARTNER / DIRECT: 954-703-3417 / MAIN: 954-703-3416



Email



VCard

Dana is a partner in Thomas & LoCicero's Fort Lauderdale office. She practices at the trial and appellate levels, handling a wide range of matters involving media and communications law, including defending libel and invasion of privacy suits, pursuing access to judicial proceedings and public records, resisting subpoenas for videotape and reporter's testimony, and conducting pre-publication review of television broadcasts and news articles. Dana also regularly litigates intellectual property matters, including defending misappropriation claims, trademark and copyright infringement actions, as well as, general commercial litigation, appellate, and trial support.

Dana has served as chair of the American Bar Association's Tort Trial and Insurance Practice Section's (TIPS) Media, Privacy and Defamation Law Committee, the Florida Bar's Media and Communications Law Committee, and the Florida Bar's Media Law Conference and Reporter's Workshop. Dana is a member of the Media Law Resource Center's Insurance Committee, and previously served on the Board of Trustees of Florida's First Amendment Foundation.

A former editor of the Independent Florida Alligator at the University of Florida, Dana worked as a staff writer for the Florida Times Union and Gainesville Sun before attending law school. She also has been chosen for induction into the Independent Florida Alligator Hall of Fame.

### Representative Matters

*State Attorney's Office of 17<sup>th</sup> Jud. Cir. v. Cable News Network, Inc.*, ---So. 3d ---, 2018 WL 3569397 (Fla. 4<sup>th</sup> DCA 2018), review denied (Fla. 2018). On behalf of a consortium of media companies, obtained surveillance video of law enforcement's response to the Parkland school shooting. Trial court and appellate courts agreed with our arguments that a Public Records Act exemption for active criminal investigative information did not apply to the video, and that good cause supported release.

*Yakavonis v. Dolphin Petroleum, Inc.*, 934 So. 2d 615 (Fla. 4th DCA 2006). Won affirmance of trial court's award of attorney's fees to defendant in personal injury action.

*Fletcher v. South Fla. Sun Sentinel*, 13 Fla. L. Weekly Supp. 451b, 34 Media L. Rep. (BNA) 1952 (Fla. 17th Cir. Ct. January 30, 2006). Won affirmance of summary judgment for defendant in defamation action.

*In re: Amendments to the Rules of Judicial Administration*, 915 So. 2d 157 (Fla. 2005). Helped convince Florida Supreme Court to reject proposed rule change limiting camera coverage of court proceedings and jurors.

*Carter v. Frito-Lay, Inc.*, 144 Fed. Appx. 815 (11th Cir. 2005). Won affirmance of dismissal of product liability claims.

*U.S. v. Diaz*, 2004 WL 1944851, 32 Media L. Rep. (BNA) 1794 (S.D. Fla. April 27, 2004). Obtained order quashing subpoena for testimony of television news reporter.

*Fla. Dep't of Children & Families v. Sun-Sentinel, Inc.*, 839 So. 2d 790 (Fla. 4th DCA 2003), aff'd in part, rev'd in part, 865 So. 2d 1278 (Fla. 2004). Won affirmance of decision refusing to limit access to public records by enforcing home venue rule for government agencies.

*SCI Funeral Services of Florida, Inc. v. Light*, 811 So.2d 796 (Fla. 4th DCA 2002).



Convinced appellate court to affirm trial court's refusal to limit public access to discovery materials.

*Mayhall v. Dennis Stuff, Inc.*, 31 Media L. Rep. (BNA) 1567 (Fla. 6th Cir. Ct. June 4, 2002). Obtained summary judgment in invasion of privacy action against magazine.

*Lewis v. Sunbeam Television Corp.*, 28 Media L. Rep. (BNA) 2214 (Fla. 11th Cir. Ct. March 8, 2000). Obtained dismissal of newsgathering and invasion of privacy claims against television news station.

*Stewart v. Sun-Sentinel Co.*, 360 So. 2d 695 (Fla. 4th DCA 1997). Won affirmance of summary judgment in defamation action.

*Magnum Towing, Inc. v. Sunbeam Television Corp.*, 6 Fla. L. Weekly Supp. 417 (Fla. 11th Cir. Ct. November 7, 1997). Obtained summary judgment for defendant in libel action.

*Miami Child's World, Inc. v. Sunbeam Television Corp.*, 336 So. 2d 669 (Fla. 3d DCA 1996). Won affirmance of summary judgment in defamation action.

*Woodard v. Sunbeam Television Corp.*, 616 So. 2d 501 (Fla. 3d DCA 1993). Obtained summary judgment in defamation and invasion of privacy action.

*Bass v. Post-Newsweek Stations of Florida, Inc.*, 24 Media L. Rep. (BNA) 1991 (Fla. 11th Cir. Ct. February 7, 1996). Obtained dismissal of defamation action against television news stations.

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## Appearances and Publications

Co-Author, "Boxing Promoter Don King K.O.'d in Florida Appellate Court on Defamation Claims", Sedgwick LLP's Media Law Bulletin, September, 2010

Co-Author, "Cameras in the Courtroom," Reporter's Handbook (annual), The Florida Bar (1996 to present)

"Eleventh Circuit Rules Police Officer Cannot be Sued for Arresting News Photographer During Riot Coverage," MLRC MediaLawLetter, January, 2004

Co-Author, "Decision Revives Protection for Opinion in Florida," The Brechner Report, The Brechner Center for Freedom of Information, "The Back Page", June, 1996

Co-Author, "Florida Government in the Sunshine: A Citizen's Guide," The Brechner Report, The Brechner Center for Freedom of Information, 1992

"Bradley McGee Law Eases Access to HRS Records," The Brechner Report, The Brechner Center for Freedom of Information, "The Back Page", January, 1991

Facilitator, Libel Breakout Session, Media Law Resource Center Conference, 2006

The Florida Bar Media Law Conference (annual): Moderator/participant on various panels

The Florida Bar Reporter's Workshop (annual): Moderator/participant on various panels

Adjunct Lecturer, Florida International University, Annual Media and Communications Law Seminar, 1995 - Present

Adjunct Lecturer, Spring Term, University of Miami, School of Communication, Mass Media Law, 1993

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### PRIMARY PRACTICES

Defamation & Invasion of Privacy

Business and Commercial Litigation

Trademark and Copyright Infringement

Intellectual Property

## EDUCATION

J.D., University of Florida, 1989

B.A., University of Florida, 1984

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## BAR ADMISSIONS

Florida

Southern District of Florida

Middle District of Florida

Northern District of Florida

11th Circuit

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## CLASSES / SEMINARS

Facilitator, Libel Breakout Session, Media Law Resource Center Conference, 2006 - Present

The Florida Bar Media Law Conference (annual): Moderator/participant on various panels

The Florida Bar Reporter's Workshop (annual): Moderator/participant on various panels

Adjunct Lecturer, Florida International University, Annual Media and Communications Law Seminar, 1995 - Present

Adjunct Lecturer, Spring Term, University of Miami, School of Communication, Mass Media Law, 1993 - Present

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## RECOGNITIONS

Martindale-Hubbell AV Preeminent Peer Review Rated

Best Lawyers in America

Best Attorneys in Florida

Florida Legal Elite

Florida Super Lawyers

## PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

The Florida Bar Association, Member, 2001 - Present

The Florida Bar Media and Communications Law Committee, Chair, 1993 - 1994

The Florida Bar Media and Communications Law Committee, Vice-Chair, 1992 - 1993

The Florida Bar Media and Communications Law Committee, Member, 1991 - Present

The Florida Bar Media Law Conference, Chair, 1993

The Florida Bar Media Law Conference, Vice-Chair, 1997

The Florida Bar Reporter's Workshop, Co-Chair, 1990 - Present

American Bar Association Forum on Communications Law, Member

American Bar Association Torts Trial and Insurance Practice Section's (TIPS), Chair, Media, Privacy and Defamation Law Committee, 2010 - Present

Media Law Resource Center New Developments Committee, Member

The First Amendment Foundation, Member, Board of Trustees, 2004 - 2006

Campus Communications, Inc., Member, Board of Directors, 1983 - 1984

Campus Communications, Inc., Member, Board of Directors, 1987 - 1989

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## LITIGATION PERCENTAGE

80% of Practice Devoted to Litigation