



Marisa Rosen Dorough

Shareholder

Orlando | 407.367.5406 | mdorough@bakerdonelson.com

Marisa Rosen Dorough represents businesses and individuals in antitrust, False Claims Act, and government enforcement cases, intellectual property disputes, labor and employment defense, and a broad range of business-related actions and arbitrations.

Ms. Dorough practices throughout the state of Florida and has experience in federal courts across the country.

She brings significant experience for the benefit of the businesses and individuals she advises.

Government Regulatory Civil Litigation: Ms. Dorough has gained antitrust litigation experience from regularly advising and defending leaders in various industries in antitrust actions brought by private parties and by state and federal authorities. Ms. Dorough also represents health care providers and medical supply companies accused of violating federal laws regulating Medicare participation, particularly the False Claims Act and kickback statutes and their state law counterparts. She also represents a motor vehicle manufacturer in connection with dealer relations and distribution issues.

Motor Vehicle Manufacturer Representation: Ms. Dorough has experience representing motor vehicle manufacturers in their relationships with dealers and has regularly advised manufacturers in connection with dealer negotiations and disputes, administrative hearings, and regulatory compliance with various state dealer laws. She has also represented manufacturers in commercial disputes and consumer litigation, including putative class actions, in Florida's state and federal courts. In addition, she assists manufacturers regarding electric vehicle charging infrastructure and charging-related issues.

Labor and Employment Suits: Ms. Dorough defends employers in state and federal court in individual and collective actions alleging unpaid wages under the FLSA and Florida law. She also regularly represents employers against charges of discrimination and retaliation under federal and Florida statutes.

Business and Shareholder Disputes: Ms. Dorough regularly negotiates, mediates and litigates claims involving breach of contract; business interference torts, non-compete, non-solicitation, and non-disclosure agreements, and breach of fiduciary duty.

Intellectual Property Rights: Ms. Dorough routinely represents emerging and established businesses in protecting, prosecuting and defending their intellectual property rights, particularly in trademark and trade dress litigation, as well as instances of unfair competition, cybersquatting and false advertising.

Prior to joining the Firm, Ms. Dorough served as a judicial intern for Magistrate Judge Thomas G. Wilson of the United States District Court for the Middle District of Florida.

Representative Matters

- Represented an industry-leading entrepreneurial company in a federal civil jury trial to prosecute the company's trade secret theft claims against a competitor, which also involved spoliation of material evidence by the opposing party's agents, including a former employee of our client.
- Represented a small hospital in litigation with the Department of Justice for two and one-half years against allegations of a market allocation agreement with another hospital in violation of federal

antitrust laws, overseeing discovery of electronically stored information involving approximately four million documents.

- Successfully moved a federal court to strike salacious allegations from a pleading, to stay discovery, and ultimately to dismiss a complaint brought by a whistleblower under the False Claims Act against a medical supply company for allegedly improper Medicare billing.
- Defeated a motion for preliminary injunction, obtained dismissal of half the claims, and ultimately won summary judgment on behalf of a major automotive manufacturer in a multimillion-dollar unfair trade practices lawsuit by a vendor of dealer software that was not certified by the manufacturer.
- Successfully represented another major automotive manufacturer in a Florida administrative proceeding by dealers challenging the addition of new dealer in underserved metropolitan area.
- Secured order staying discovery and then voluntary dismissal of a putative class action in the Southern District of Florida against an automotive manufacturer in case advancing novel theory that website's use of session replay software violated state wiretapping laws.
- Obtained a permanent injunction in federal court against a competitor of the client that designed a sophisticated scheme to prey on client's market recognition and goodwill for an important dietary supplement brand. Our client, an over-the-counter brand manufacturer, recently acquired several established health care brands. During due diligence, we identified the scheme and filed an action in U.S. District Court for trademark and trade dress infringement, as well as false labeling. To settle the lawsuit, the defendants agreed to a permanent injunction against infringement, abandoned all markets for the competing product, assigned any rights to their infringing marks to our client, and paid a confidential but substantial sum to cover our client's attorneys' fees.
- Successfully obtained a judgment on behalf of a financial services provider for more than \$350,000 against a borrower for her misrepresentation and breach of warranties in connection with obtaining a home equity loan. The judgment is in addition to a \$120,000 cash recovery negotiated in settlement with the title insurer for the current owners of the property in question.
- Secured an order dismissing with prejudice a federal lawsuit by a competitor against a national baggage delivery company brought under the Sherman Act, Clayton Act and Oregon state laws, alleging monopolization, collusion in restraint of trade, and fraud.
- National coordinating counsel for U.S. warranty litigation for a German auto manufacturer of luxury automobiles.



Professional Honors & Activities

- Selected to Florida Rising Stars in Business Litigation (2016 – 2023)
- American Bar Association
- Central Florida Association of Women Lawyers
- Federal Bar Association
 - Section Chair (2023 – 2024)
 - Programming Chair (2022 – 2023)
 - Publications Chair (2021 – 2022)
- The Florida Bar
 - Chair, Pro Bono Committee, Business Law Section of The Florida Bar (2018 – 2019)
- Orange County Bar Association
 - Subcommittee Chair for Business Litigation, 2018 Bench Bar Conference



Publications

- "Loper Bright Enterprises v. Raimondo: How the End of Chevron Deference Will Impact Health Care," *American Health Law Association Health Law Weekly* (July 2024)
- "Chevron Deference Discarded: SCOTUS Decision in Fisheries Cases Leaves Administrative Law Reeling," republished July 23, 2024, in *Daily Business Review* (June 2024)

- "Anticipating SCOTUS Ruling on *Chevron* Deference – What to Know and Five Ways to Prepare" (June 2024)
- "Baker's Dozen – Tips on the Way to the Top," *Women's Initiative Newsletter* (October 2022)
- "TALK THE TALK: Your Guide to Common 'Lingo' Heard Around the Courthouse," Maryland State Bar Association (February 2022)
- "Déjà Vu All Over Again: Pandemic Renews Focus on Ongoing False Claims Act Enforcement Priorities," republished in *Westlaw* (March 2021)
- "A Civil Litigator's Guide to the Privilege Against Self-incrimination in Florida's State and Federal Courts," *The Florida Bar Journal* (December 2013)



Speaking Engagements

- Co-moderator – "2022 REDUX: Top 10 Civil and Top 10 Criminal Antitrust Developments of the Past Year," Federal Bar Association (January 2023)



Education

- University of Florida Levin College of Law, J.D., 2009
 - Member, *Florida Law Review*
- Duke University, B.A., 2006



Admissions

- Florida, 2009
- U.S. Court of Appeals for the Eleventh Circuit U.S. District Court, Northern, Middle and Southern Districts of Florida
- U.S. Bankruptcy Court, Middle and Southern Districts of Florida