

UNCOMMON

Business Law for the Creative Economy

LEGAL

125 28th Street North
St. Petersburg, FL 33713
727.300.1990
jamie@uncommonlegal.com



Business Law for the Creative Economy

Jamie Moore Marcario is the founder and managing attorney of Uncommon Legal. Her firm primarily serves creatives, entrepreneurs, innovators and the small business ventures that make the creative economy tick. She concentrates on business, contract, and intellectual property law, provides regulatory compliance guidance and serves as lead counsel when litigation is necessary

To avoid potential litigation, Jamie helps her clients navigate emerging legal issues; structures their entities to avoid typical startup and growth pitfalls; negotiates and drafts operating, employee, and contractor agreements; assists with the evaluation and procurement of business funding options; and develops regulatory compliance controls. When litigation is unavoidable, Jamie represents her clients in commercial, employment, intellectual property, and shareholder derivative suits in state and federal courts. She also represents clients before administrative agencies, including various licensing boards, the Equal Employment Opportunity Commission, Florida Commission on Human Relations, and National Labor Relations Board.

Before founding Uncommon Legal, Jamie served as an attorney in the labor and employment practice of Greenberg Traurig, an AmLaw 100 firm. Prior to that, she was a commercial litigator at a regional firm, defending clients in highly regulated industries, including health care, transportation, and aviation. Jamie has experience with federal and state regulatory issues governing health care clients (e.g., PSQIA, Florida's Amendment 7, HIPAA, HITECH Act, EMTALA, and STARK) and she has represented hospitals, physicians, and physician practice groups in employment, breach of contract, medical malpractice, licensure, peer review, and employment disputes.

Prior to her legal career, Jamie gained valuable experience as a director at a tech startup and later served as the Director of Editorial Services for PricewaterhouseCoopers.

In the latter capacity, she regularly assisted banking, capital markets, technology, transportation, health care, pharmaceutical, and biotechnology industry experts to provide Fortune 500 companies with guidance and solutions for emerging regulatory and compliance issues. Jamie continues to leverage this experience to help her creative and entrepreneurial clients establish entities, procure funding, negotiate and draft contracts, protect trade secrets and intellectual property, and avoid or navigate civil and administrative investigations, litigation, and other challenges involving federal and state employment issues and commercial litigation issues.

Areas of Concentration

Business law advice and counsel

Contract review, negotiation and drafting

Intellectual property protection and defense

Startup and growth funding options

Labor and employment law advice and counsel

Regulatory compliance guidance and controls

Administrative investigations and litigation before local, state, and federal agencies

Proceedings before the Equal Employment Opportunity Commission, National Labor Relations Board and parallel state agencies, including unfair labor practice and union representation cases

Sarbanes-Oxley, Dodd-Frank and other qui tam litigation

Jury and non-jury litigation in state and federal courts involving employment discrimination, retaliation, civil rights, wage and hour, FMLA, FLSA, contract, tort and other employment claims

Significant Representations

Assisted client with launch of disruptive hospitality industry business model, including entity formation and initial funding, negotiations with government officials, negotiations with major product manufacturers, contract negotiation and drafting, and directing team of insurance, finance and tax professionals necessary to ensure the venture's success

Assisted multiple social media and web companies with entity formation, startup funding, corporate governance, licensing agreements, intellectual property usage policies, employee and independent contractor agreements, and trademark and copyright registration and protection

Drafted employment agreements, independent contractor agreements, confidentiality and non-disclosure agreements for national healthcare marketing firm

Assisted national healthcare marketing firm to enforce non-disparagement, non-solicitation, and confidentiality agreement against former employees

Provided guidance to national marketing firm about contractual arrangements with professional employment organization and measures to protect against potential liability arising from the same

Represented international airline food service entity to defend FLSA class action lawsuit alleging misclassification of employees, resulting in early, favorable resolution for client

Represented national transportation manufacturer to defend against gender, age, and disability discrimination, harassment and retaliation suit brought by former HR director (suit pending)

Represented restaurant in gender discrimination and sexual harassment suit, resulting in favorable resolution for client

Represented multiple health care entities in breach of contract and race, national origin, and disability discrimination lawsuits filed by former employees, resulting in favorable resolution for clients

Represented national technology firm in arbitration matter arising from employment contract dispute with former executive, and represented the same client in multiple, related state lawsuits involving common law and claims, resulting in favorable resolution for the clients to all related cases

Represented national technology entity in NLRB action (action pending)

Represented electronic payment technology entity as plaintiff in two related suits against former employees for breach of trade secrets and tortious interference with business relationships (suits pending)

Represented global professional services firm in multiple EEOC investigations of national origin, race, age, and disability discrimination and harassment charges filed by former employees, resulting in "no cause" findings

Represented healthcare entity in state agency investigation of national origin and disability discrimination charge filed by current employee (statement of position submitted; agency decision pending)

Represented international airline food service entity in EEOC investigation of national origin discrimination charge filed by former employee (statement of position submitted; agency decision pending)

Provided FMLA policy and procedure guidance to multiple healthcare entities, credit unions, and media firms

Drafted employment contracts, confidentiality and nondisclosure agreements, and separation agreements on behalf multiple national and global entities. variety of industries

Represented hospital in employment discrimination and retaliation suit arising from termination of independent contractor physician's privileges, and defended physician's motion for preliminary injunction seeking to reinstate privileges during pendency of the action

Represented several hospitals in employment discrimination and retaliation suits arising from termination of independent contractor physician's privileges

Represented hospital in multi-plaintiff defamation action arising from internal investigation of False Claims Act allegations against hospital and independent contractor physicians with hospital privileges

Represented multiple hospitals in peer review matters, which resulted in termination of independent contractor physicians' hospital privileges

Represented surgery center in third-party spoliation action arising from underlying medical device product liability suit, including a motion for summary judgment on grounds of federal preemption

Represented several hospitals in medical negligence actions involving multiple co-defendants, as well as agency, joint employer, and joint venture issues

Represented hospital in medical malpractice matter involving multiple co-defendants, agency, joint employer, and joint venture issues resulting in a post-trial directed verdict favorable to the hospital

Represented flight simulator manufacturer in wrongful death action in which plaintiff alleged negligent training of decedent pilot

Represented aircraft manufacturer in defense of multi-plaintiff product liability and wrongful death action

Represented aircraft manufacturer in multi-plaintiff product liability and wrongful death action involving General Aviation Revitalization Act (GARA) issues, which resulted in jury verdict for the manufacturer

Professional and Community Involvement

- Member, American Bar Association
 - Appellate Practice Section
 - Healthcare Litigation and Risk Management Section
 - Health Law Section
 - Labor & Employment Section
 - Medical Malpractice Section
 - Aviation & Space Technology Section
- Member, National Employment Lawyers Association
- Member, International Trademark Association

- Member, American Health Lawyer Association
- Member, Association of Certified eDiscovery Specialists
- Member, Equality Florida
- Member, Florida Association for Women Lawyers, 2014-2015
- Member, Florida Bar Association
 - Appellate Section
 - Health Law Section
 - Labor & Employment Section
 - Media & Communications Law Committee, 2015-2016
 - Young Lawyers Division
 - Aviation Law Committee, 2014-2015
- Member, J. Clifford Cheatwood American Inn of Court, 2011-2013, 2016-2019
- Member, Ferguson White Inn of Court, 2014-2016
- Member, St. Petersburg Bar Association
- Member, Hillsborough County Bar Association
 - Co-Chair, Labor and Employment Committee, 2015-2017
 - Member, Business Law Section
 - Member, Appellate Law Section
 - Member, Health Law Section
- Board of Directors, Tampa Bay Businesses for Culture and the Arts, 2016-2019

Awards and Recognition

Recipient, Judge Stanley Milledge Excellence Award, 2010

Recipient, William F. Blews Pro Bono Service Award, 2010

Recipient, Stetson Law Review, Leadership Award, 200

Noteworthy Experience

Director, PricewaterhouseCoopers, Editorial Services, 2006-2008

Diabetes Specialist, Novo Nordisk Pharmaceuticals, Inc., 2002-2004

Professional Health Care Representative, Pfizer, Inc., 1998-2000

Clerkship

Staff Attorney, Hon. Chris W. Altenbernd, Florida Second District Court of Appeal, J
January 2011 – July 2012

Internships

Judicial Intern, Hon. Virginia M. Hernandez-Covington, U.S. District Court for the Middle District of Florida, Summer 2010

Judicial Intern, Hon. Susan C. Bucklew, U.S. District Court for the Middle District of Florida, Winter 2010

Articles & Publications

Mentioned, "People on the Move," Tampa Bay Business Journal, April 8, 2015

Co-Author, "Certiorari Review of Non-Final Orders: Does One Size Really Fit All?" 42 *Stetson L. Rev.* No. 2, 381 and 86 *Fla. B. J.*, February 2012 and Winter 2013

Co-Author, "Certiorari Review of Non-Final Orders: Does One Size Really Fit All?" 42 *Stetson L. Rev.*

Co-Author, "Certiorari Review of Non-Final Orders: Trying on a Functional Approach," 86 *Fla. B. J.* 14, March 2012

Author, "Recent Developments," 40 *Stetson L. Rev.* No. 2 and 39 *Stetson L. Rev.* No. 2, Local Government, Winter 2010 and Winter 2011

Lectures

Speaker, "Happening Now: Hot Topics in Healthcare," March 24, 2014"

Speaker, "Hot Topics in Appellate Practice," Hillsborough County Bar Association, Appellate Section, May 2, 2012

Induction Ceremony Speaker, "Response on Behalf of New Lawyers," Fla. 2d DCA, May 2, 2011

Education

J. D., magna cum laude, Stetson University College of Law, 2010

Executive Editor, *Stetson Law Review*

M.Ed., University of Florida, 1992 B.A., University of Florida, 1990

Member, Phi Beta Kappa

Admitted to Practice

Florida

U.S. District Court for the Middle District of Florida

U.S. District Court for the Northern District of Florida

U.S. District Court for the Southern District of Florida