

# Frank L. Madia

## Special Counsel

[FLMadia@mdwccg.com](mailto:FLMadia@mdwccg.com)

Orlando – 407.420.4410



---

Frank Madia is a member of the Casualty Department handling matters involving premises and retail liability, personal injury, product liability, negligent security and automobile liability.

Frank relocated to Orlando after more than two decades of practice in insurance defense, personal injury, and property subrogation in New York, and after working for a number of years as staff counsel for a national insurance company. Over the last twenty years, Frank has also obtained substantial experience in insurance coverage matters, business litigation, and real estate transactions, allowing him to represent a wide array of clients on a myriad of legal issues.

Frank is a 30-year veteran of the New York Air National Guard, where he served as a Staff Judge Advocate before retiring as a Lieutenant Colonel in 2017. Following the terrorism attacks on the United States on September 11, 2001, Frank served as a JAG Legal Advisor to the 9-11 Commission, preparing and assisting military personnel in relation to Commission interviews. Between 2002 and 2020, Frank served the Township of Frankfort (New York) as an elected Town Judge, presiding over civil claims, landlord-tenant disputes, domestic violence cases, and traffic violation matters. Frank has also served as an adjunct professor at several colleges, including Utica College of Syracuse University in New York.

## Education

- Touro University Jacob D. Fuchsberg Law Center (J.D., 1997)
- United States Air Force Judge Advocate Training School (2002)
  - Certified Trial Lawyer - U.S. Air Force Judge Advocate
- State University of New York at Buffalo (B.A., 1990)

## Practices

- Premises & Retail Liability
- Product Liability
- General Liability
- Automobile Liability

## Admissions

- New York, 1999
- U.S. District Court Northern District of New York, 1999
- Florida, 2020
- U.S. District Court Middle District of Florida, 2020
- U.S. District Court Southern District of Florida, 2020

## Representative Cases & Matters

- Secured a favorable defense verdict following a Palm Beach County jury trial with over 13 witnesses, including 5 experts, and over 5,000 pages of exhibits, involving a high-value property damage claim. The Plaintiff sought more than \$1.3 million in damages after water from a broken pipe spigot on an upstairs balcony damaged the master suite of Plaintiff's 3400 square foot, \$4.5 million luxury oceanfront condominium. Because liability was stipulated, the trial focused solely on the amount and scope of damages, consisting of repair /remediation costs to the master suite together with Plaintiff's claim for 21-months of loss of use at a valuation of \$33,000.00 per month totaling \$673,000.00. The defense successfully demonstrated that the Plaintiff was not entitled to compensation for the majority of the claimed loss-of-use period (16-months). The jury awarded only 5-months of loss-of-use damages, along with \$199,615 in repair and restoration costs, substantially reducing the plaintiff's overall recovery to only \$364,615.
- Obtained a summary judgement on behalf of a large national retailer where the plaintiff slipped and fell on the premises. A trial was set for April 2024 and the plaintiff's last demand was for \$650k. An employee had clocked out and was in the process of gathering his personal belongings from the front-end counter when he allegedly created a dangerous condition by dropping his "personal jug" of iced tea on the floor. Represented by Morgan & Morgan, the plaintiff was seeking damages for alleged injuries to her back, neck and left knee. She had a significant pre-existing component for all of her injuries and underwent left knee arthroscopic surgery to repair a torn meniscus along with a steroid injection. We argued that the retailer was not vicariously liable for the acts of the employee who was "off the clock" at the time he dropped his "personal jug" of iced tea on the floor. The court held that the "off duty employment" is a question of law since there was no genuine dispute of material facts as to whether the employee was "acting within the scope of his employment" at the time the alleged dangerous condition was created. Motion for summary judgement was granted.

---

## Results

### **Favorable Verdict Obtained in Palm Beach County Property Damage Case**

We recently secured a favorable verdict in a high-value property damage claim following an extensive Palm Beach County jury trial. The plaintiff sought more than \$1.3 million in damages after water from a broken pipe spigot on an upstairs balcony damaged the master suite of the plaintiff's 3,400-square-foot, \$4.5 million luxury oceanfront condominium. Because liability was stipulated, the trial focused solely on the amount and scope of damages, consisting of repair/remediation costs to the master suite together

with the plaintiff's claim for 21 months of loss of use at a valuation of \$33,000 per month totaling \$673,000. The defense successfully demonstrated that the plaintiff was not entitled to compensation for the majority of the claimed loss-of-use period (16 months). The jury awarded only five months of loss-of-use damages, along with nearly \$200,000 in repair and restoration costs, substantially reducing the plaintiff's overall recovery to only \$364,615.

#### **Summary Judgment Obtained on Behalf of Large National Retailer**

We secured a summary judgment in a case in which the plaintiff slipped and fell on our client's premises. An employee had clocked out and was in the process of gathering his personal belongings from the front-end counter when he allegedly created a dangerous condition by dropping his "personal jug" of iced tea on the floor, which the plaintiff slipped on. We argued that the retailer was not vicariously liable for the acts of the employee, who was "off the clock" at the time. The court held that "off duty employment" is a question of law since there was no genuine dispute of material facts as to whether the employee was "acting within the scope of his employment" at the time the alleged dangerous condition was created. A trial was set for April 2024, and the plaintiff's last demand was \$650,000 before summary judgment was granted.

---

## Thought Leadership

September 1, 2024

#### **Overcoming the Daubert Challenge With Your Billing and Coding Expert**

March 1, 2024

#### **Limiting the Opinions of Plaintiff's Non-Retained Expert Witnesses Regarding Injury Causation and Permanency**