

SCOTT W. DUTTON, ESQUIRE



Mr. Dutton obtained his doctorate of law from Ohio Northern University, Pettit College of Law in 1984. During his course of study at Ohio Northern University, Mr. Dutton was a member of the editorial staff of the *Ohio Northern University Law Review*. He was also a justice on the law school's Moot Court Executive Board, and was the justice in charge of the First Year Appellate Advocacy Program. While in law school Mr. Dutton also participated in four national moot court competitions, including the Fall National Moot Court Competition, the Phillip C. Jessup International Law Moot Court Competition (Best Written Memorial), the Benton Privacy Law Competition (Team Coach) and the American Bar Association Client Counseling Competition. Because of his moot court experience, he was selected to the Order of Barristers for having exhibited excellence and obtained high honor through the art of courtroom advocacy.

Additional achievements by Mr. Dutton while in law school included the authorship and publication of an article on constitutional law that has been published nationally, selection as research assistant to Professor Paul Edwards, and participation on the faculty hiring committee. For his outstanding academic achievement in law school, Mr. Dutton was selected to *Who's Who Among American Law Students*.

Mr. Dutton has served on the Board of Directors for the Florida Defense Lawyers, and served as their Continuing Legal Education Chairperson. He is presently on the Board of Directors for the Medical Claim Defense Network (MCDN). Additionally, he is a frequent CLE guest lecturer to include the topics of:

1. Discovery Tactics: Drawing the Line Between Clever and Unfair (1994),

2. Depositions: Strategies, Tactics & Mechanics (1995,1996,1997,1998),
3. Trying the Automobile Injury Case (1996),
4. Winning the Battle of the Experts (1996),
5. Powerful Expert Witness Strategies (1997),
6. Insurance Coverage Law (1997),
7. Insurance Law: Third Party Coverage in Florida (1998),
8. Premises Liability: Preparation and Trial of a Difficult Case (1997, 1999),
9. Florida Personal Injury Practice for Paralegals (1999, 2001),
10. Uninsured Motorist Law in Florida (2000, 2001, 2002),
11. How to Successfully Make and Manage Objections at Trial (2000),
12. Defending the Soft Tissue Injury and Disc Bulge Case (2000),
13. Defending the Bone and Joint Injury Claim: Shoulders, Knees and the TMJ (2000),
14. Florida Liability Claims Conference: Current Trends in Handling Personal Injury Protection Claims and Litigation (2001),
15. PIP: Hot Topics for 2002,
16. Personal Injury Settlements in Florida: Practical Methods for Perfecting the Settlement of a Claim (2003, 2004),
17. Handling the Automobile Injury Claim in Florida (2003),
18. Damages in Florida Civil Trial Practice (2003),
19. Litigator's Guide to Liability Insurance (2003),
20. Expert Witnesses: "Effective Direct and Cross Examination and Expert Witness Testimony in P.I. Cases" (2003),
21. Trying Your First Premises Liability Case in Florida (2003),
22. Personal Injury and No Fault Practice: Current Trends in Personal Injury Protection (PIP) Litigation (2003),
23. Insurance Bad Faith Claims (2003),
24. Current Trends in Personal Injury Litigation (2003),
25. Evaluating your Chances of Settling the Florida Personal Injury Case (2003),
26. Discovery in Florida Bad Faith Litigation (2004),
27. 2003 Amendments to the Florida Personal Injury Protection (PIP) Statute (2003),
28. Automobile Insurance Update (2003, 2004),

29. Personal Injury Settlements in Florida: Practical Methods for Perfecting the Settlement of a Claim (2004),
30. Civil Trial From Start to Finish: A Practical Approach to Trying a Civil Case in Florida (2004),
31. Current Trends in Florida Auto Law (2004),
32. "Using What We Learned from PIP to Undermine the BI/UM Claim"(2004),
33. PIP, BI and UM Fraud: Using What We Learned in PIP to Undermine the BI/UM Claim (2005),
34. PIP Claim Handling, A Holistic Approach to Evaluating the PIP Claim (2005),
35. Personal Injury and No Fault Practice: Current Trends in Personal Injury Protection (PIP) Litigation (2006),
36. Legal Assisting: The Short Course. Topics: Participating in Pretrial Discovery" and "Understanding Florida Civil Courts and Procedure" (2006),
37. The Definitive Guide to Settling Uninsured and Underinsured Motorist Claim in Florida (2006),
38. Combating Attorney Fees (Florida Insurance Fraud Education Committee, 2006, and Florida Farm Bureau 2007),
39. Insurance Bad Faith Claims in Florida (2006),
40. Bad Faith Insurance Claims in Florida (2006),
41. Automobile Litigation: Strategic Issues and Answers (2007),
42. Settling Uninsured and Underinsured Motorist Claims (2007),
43. Auto Insurance: Uninsured, Underinsured and Accident Litigation (2007),
44. PIP Law Update (Florida Insurance Fraud Education Committee, 2007),
45. Insurance Bad Faith Claims (2007),
46. Personal Injury Case Management for Seasoned Litigators (2007),
47. Welcome to the Wild, Wild West: PIP Purgatory, and the Badlands Beyond! (Medical Claims Defense Network, 2007),
48. PIP 2008: A Discussion of the History of PIP, and the New Statute,
49. Attorneys Fee Hearings (2008),

50. Insurance Law: Current Topics and Strategies (National Business Institute, 2008),
51. Settling Uninsured and Underinsured Motorist Claims (National Business Institute, 2008),
52. The 2008 PIP Statute: Cure of Boondoggle?(Medical Claims Defense Network, 2008),
53. "DEFENDING A CLAIM FOR ATTORNEYS' FEES—Stopping or Slowing Down the Runaway Train" (12th Annual Florida Liability Claims Conference 2008),
54. "FLORIDA NO-FAULT POST-2007—New Beginning or Not " (12th Annual Florida Liability Claims Conference 2008),
55. PIP Purgatory and the Badlands Beyond: An Up Close Analysis of the 2008 PIP Statute (Florida Insurance Fraud Education Committee, 2008),
56. Florida PIP Litigation, Current Topics and Trends (Professional Education Systems, Inc. (PESI), 2008),
57. Insurance Bad Faith Claims (Lorman, 2009),
58. Florida PIP Litigation, Current Topics and Trends (Professional Education Systems, Inc. (PESI), 2009),
59. "Trends in Florida No-Fault Law and PIP Law Update" (13th Annual Florida Liability Claims Conference 2009),
60. PIP Law Update:, A Review of Case Law From the Past Year, and the Forecast of the Year Ahead (Including New Statutory Changes) (Florida Insurance Fraud Education Committee, 2009),
61. Handling and Litigation Fee Schedules Under the "New" Florida Motor Vehicle No-Fault Law: Constitutionality, Mandatory v. Permissive, Class Actions, and Recommended Policy Language (Medical Claims Defense Network, March 2010),
62. Florida PIP Litigation, Current Topics and Trends (Professional Education Systems, Inc. (PESI), April 2010),
63. PIP Law Update: A Review of Case Law From the Past Year, and the Forecast of the Year Ahead (Department of Insurance Fraud, and the Florida Insurance Fraud Education Committee, 2010),
64. "Trends in Florida No-Fault Law and PIP Law Update" (14th Annual Florida Liability Claims Conference 2010),

65. Florida Insurance Consumer Advocate Personal Injury Protection Roundtable (Office of the Florida Insurance Consumer Advocate, August 2010),
66. Handling and Litigating Insurance Bad Faith Claims (Lorman, October 2010),
67. *Custer Medical: A Discussion* (MCDN 2010),
68. Preparing and Trying the Personal Injury Case (NBI, February 2011),
69. Florida PIP Litigation: Hot Topics, Trends and the Future of PIP (PESI, April and October 2011),
70. Current Trends and Case Update in PIP Litigation (Department of Insurance Fraud, and the Florida Insurance Fraud Education Committee, 2011),
71. No-Fault Claims and Litigation: From Start to Finish (NBI, 2012),
72. Florida PIP Litigation: Hot Topics, Trends, and the Future of PIP (Foxmoor, April 2012),
73. PIP: HB 119: The “New” PIP law (Medical Claims Defense Network April 2012),
74. PIP: Legislative and Case Law Update, Florida Liability Claims Conference (Florida Defense Lawyers Association, June 2012),
75. Hot Topics & Trends in Personal Injury Protection: Case Law and Legislative Update: Handling EUO, A “Literally” Hands On Approach, (Florida Insurance Fraud Education Committee, June 2012),
76. HB 119: THE NEW PIP LAW AND CURRENT TRENDS AND ISSUES, LEGISLATIVE UPDATE AND CASE LAW UPDATE IN PERSONAL INJURY PROTECTION LITIGATION (Florida Insurance Fraud Education Committee, June 2013),
77. “A Hands-on, Nuts-and-Bolts Approach to Taking Highly Effective EUOs: Using Skilled Questioning and Visual Aids to Unravel the Medical Abuse/Fraud or Accident Fraud Case” (Florida Insurance Fraud Education Committee, June 2013),
78. PIP: Legislative and Case Law Update, Florida Liability Claims Conference (Florida Defense Lawyers Association, June 2013),

79. "Handling Suspected Fraud Claims Under HB 119: Reasonable Belief of a Fraudulent Insurance Act" (Medical Claims Defense Network October 2013),
80. Florida's New PIP Law – Automobile Accident Turned Train Wreck (Half-Moon 2013),
81. Damages in Personal Injury (NBI 2013),
82. Florida's New PIP Law – Automobile Accident Turned Train Wreck (Half-Moon 2014),
83. PIP: Legislative and Case Law Update, Florida Liability Claims Conference (Florida Defense Lawyers Association, June 2014),
84. Current Trends and Issues, Legislative Update, and Case Law Update in Personal Injury Protection Litigation (Florida Insurance Fraud Education Committee, June 2014),
85. Florida PIP Law: Not the Same Ol' Same Ol' – Current Issues and Trends, (HalfMoon Seminars, May 13, 2015)
86. Recent Changes to the Florida Motor Vehicle No Fault Law (Florida Liability Claims Conference, June 2015),
87. Florida PIP Law Update: Current Trends and Issues (Florida Insurance Fraud Education Committee, June 2015),
88. Florida PIP Law: Not the Same Ol' Same Ol' – Current Issues and Trends, (HalfMoon Seminars, October, 2015.
89. Florida PIP Law: Not the Same Ol' Same Ol' – Current Issues and Trends, (HalfMoon Seminars, May, 2016.
90. The Florida PIP Statute-That Was Then-This Is Now-New Legal Developments in PIP-Land, Trends, and What the Current PIP Statute Means to the Florida Insurance Industry, FIFEC, June 2016
91. The Adjuster's Deposition in Bad Faith Actions, 20th Annual Florida Liability Claims Conference, June 2016.

Professional organizations in which Mr. Dutton is a member include the Defense Research Institute and the Hillsborough County Bar Association. In addition to being admitted to the Florida Bar, Mr. Dutton has also been admitted to the United States District Courts for the Middle and Southern Districts of Florida. He has been Board Certified in Civil Trial Practice by The Florida Bar since 1992. In addition to his legal practice today, Mr. Dutton also taught as adjunct faculty in business law, American government, political science, and state and local government at Hillsborough

Community College in Tampa, Florida. He has also been invited on several occasions to judge both trials and moot court competitions at Stetson Law School. Prior to law school, Mr. Dutton was a lifeguard lieutenant with Miami-Dade County Beach & Marine Safety, and later was employed with the Miami Beach Fire Department and City of Deerfield Beach Fire Department as a firefighter paramedic. During that time, he instructed paramedical procedures, anatomy, physiology, pharmacology and water rescue techniques at Miami-Dade Community College in Miami, Florida. He was also on the City of Miami Beach SWAT team where he chased down bad guys (and girls!) in the streets of Miami.

For Mr. Dutton's dedication to fighting insurance fraud he was honored by the Florida Insurance Fraud Education Committee ("FIFEC") which awarded him the Jerry Zappalo Distinguished Service Award in 2012. FIFEC is a non-profit corporation comprised of the Department of Insurance Fraud (DIF), special investigative unit (SIU) departments and investigators, law enforcement personnel and dedicated individuals whose purpose is deterring, detecting, investigating and prosecuting insurance fraud.

Mr. Dutton's is an AV Preeminent rated attorney in The Martindale-Hubbell Law Directory, the highest rating available. The "A" signifies the highest level of legal ability; the "V" denotes "very high" adherence to the professional standards of conduct, ethics, reliability and diligence. He is also listed as one of Florida's top lawyers in 2006, 2008, 2009, 2014 and 2015 in *Super Lawyers* under Civil Litigation Defense and as one of Tampa's, Orlando's, Miami's and Florida's "Top Rated Lawyers."

Scott was born in Miami, Florida and is married to Kathleen Perez Dutton, a Tampa native. They have three children: Clayton (B.S. Zoology, Auburn University; DVM Ross University School of Veterinary Medicine, Christopher (B.A. History, Auburn University; Juris Doctor, Nova Southeastern University, and Courtney, (B.A. Psychology, B.A. Art, Auburn University (2011), (War Eagle!).

Florida Circuit Courts of Appeal Reported Cases

- *Florida Supreme Court:*
 - *Ellis v. N.G.N. of Tampa, Inc., 586 So.2d 1042, 1044 (Fla.1991)*

- *Florida District Courts:*
 - *Alfa Mut. Ins. Co. v. Thornton*, 3D13-551, 2013 WL 5735282 (Fla. 3d DCA 2013)
 - *Castillo v. Cabrera*, 2D12-4763, 2013 WL 5716800 (Fla. 2d DCA 2013)
 - *Mercury Ins. Co. of Florida v. RPM Med. Ctr., Inc.*, 89 So. 3d 261 (Fla. 3d DCA 2012)
 - *United Auto. Ins. Co. v. Two & Two LLC*, 82 So. 3d 1052 (Fla. 4th DCA 2011)
 - *MarElia v. Yanchuck, Berman, Wadley & Zervos, P.A.*, 966 So.2d 30, 35 (Fla. 2d DCA 2007)
 - *M.C.G. v. School Board of Hillsborough County Florida*, 2006 WL 1528872 (M.D. Fla., June 1, 2006)
 - *Baker v. Casualty Indem. Exchange*, 561 So.2d 1314 (Fla. 4th DCA 1990)
 - *Chalfin v. Brandon Kendall Investments, Inc.*, 540 So.2d 926, 926 (Fla. 3d DCA 1989)
 - *Italian American Club of Tamarac, Inc. v. Orenstein*, 531 So.2d 430 (Fla. 4th DCA 1988)
 - *Universal Sec. Ins. Co. v. Spreadbury*, 524 So.2d 1167 (Fla. 2d DCA 1988)

- *Florida Circuit Courts of Appeal:*
 - TIMOTHY KEHRIG, D.C., P.A., v. MERCURY INSURANCE CO. OF FLORIDA, 21 Fla. L. Weekly Supp. 997b, Circuit Court, 15th Judicial Circuit (Appellate) in and for Palm Beach County, Case No. 502011SC008363XXXXSB. May 30, 2014,
 - MERCURY INSURANCE COMPANY OF FLORIDA v. HEALTHY SUNRISE, INC., (a/a/o Joanna San Martin), 20 Fla. L. Weekly Supp. 1041a, Circuit Court, 11th Judicial Circuit (Appellate) in and for Miami-Dade County. Case No. 11-693 AP. L.C. Case No. 08-8955 SP 25. May 13, 2013
 - MAURICIO CHIROPRACTIC WEST, as assignee of Alesha Kirkland v. MGA INSURANCE COMPANY INC., 20 Fla. L. Weekly Supp. 761, Circuit Court, 9th Judicial Circuit (Appellate) in and for Orange County. Case No. 2010-CV-15-A. L.C. Case No. 2008-CC-19076-O. August 2, 2012

- MGA INSURANCE COMPANY vs. STEVEN KEITH MASSAGEE, 19 Fla. L. Weekly Supp. 1055a, Circuit Court, 18th Circuit (Appellate) in and for Seminole County. Case No. 10-39-AP. L.C. Case No. 08CC1370. June 7, 2012
- RPM MEDICAL CENTER, INC., a/a/o Hermer J. Garofalo vs. MERCURY INSURANCE COMPANY OF FLORIDA, 18 Fla. L. Weekly Supp. 733c, Circuit Court, 11th Judicial Circuit (Appellate) in and for Miami-Dade County. Case No. 09-562 AP. L.C. Case No. 09-1352 SP 26. June 29, 2011
- HEALTHY SUNRISE, INC., (a/a/o Joanna San Martin), Appellant, vs. MERCURY INSURANCE COMPANY OF FLORIDA, Appellee. 18 Fla. L. Weekly Supp. 804b, Circuit Court, 11th Judicial Circuit (Appellate) in and for Miami-Dade County. Case No. 09-520 AP. L.C. Case No. 08-008955-SP 25. April 15, 2011
- MERCURY INSURANCE COMPANY OF FLORIDA v. OMEGA MEDICAL DIAGNOSTIC CENTER a/a/o ROBIN CARRIL, 18 Fla. L. Weekly Supp. 743c, Circuit Court, 11th Judicial Circuit (Appellate) in and for Miami-Dade County. Case No. 10-088 AP. L.C. Case No. 08-08510 SP 05. June 8, 2011
- LAVONNA CASTELLANO, v. MERCURY INSURANCE COMPANY OF FLORIDA, 16 FLW Supp. 608a, Circuit Court, 6th Judicial Circuit (Appellate) in and for Pinellas County. Case No. 08-33AP-88A. L.T. Case No. 08-4628-CO-42. April 30, 2009
- NEOMIA WHITE vs. PROGRESSIVE CONSUMERS INSURANCE CO., a foreign corporation, 13 FLW Supp. 420a. Circuit Court, 10th Judicial Circuit (Appellate) in and for Hardee, Highlands and Polk County. Case No. 2005-AP-00001. L.C. Case No. 2004CC-001800-WH. August 1, 2005