

Our Team Working Together

## NICOLE LEVY KUSHNER

### Partner

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Nicole Levy Kushner is a partner on Berger Singerman's Dispute Resolution Team and is resident in the firm's Fort Lauderdale office. She concentrates her practice on a broad range of complex commercial litigation matters in federal and state courts, including commercial real estate litigation, commercial lease litigation, business and contract disputes, and corporate governance disputes.

Nicole is a triple Gator, earning her Bachelor of Science (B.S.) from the University of Florida, her Master of Business Administration (M.B.A.) from the University of Florida's Hough Graduate School of Business, and her Juris Doctor (J.D.) from the University of Florida Levin College of Law.

Nicole's approach to client service is rooted in providing practical and tailored solutions to meet her clients' business and legal goals. She is committed to understanding her clients' unique challenges and offering thoughtful guidance to navigate complex litigation effectively and efficiently.

### Education

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J.D., University of Florida Frederic G. Levin College of Law  
M.B.A., University of Florida Hough Graduate School of Business  
B.S.B.A., University of Florida

### Bar Admissions

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Florida  
U.S. District Court, Southern, Middle, and Northern Districts of Florida

### Practice Teams

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Dispute Resolution

## Practice Areas

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Complex Commercial Litigation  
Construction Litigation  
Real Estate Litigation

## Representative Matters

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- Represent clients in complex real estate and business litigation, including defense of joint venture/partnership claims.
- Successfully obtained a Final Judgement in favor of an affiliate of the Simon Property Group, the largest shopping mall operator in the United States, in a specific performance action against Seritage SRC Finance, LLC, the present owner of a significant portion of Sears' real estate portfolio, to enforce its right to purchase the former Sears site at the Town Center of Boca Raton Mall, which was affirmed on appeal.
- Trial Counsel to Forbes/Cohen Florida Properties, L.P. and The Gardens Venture LLC in a real estate dispute adverse to Dick's Sporting Goods and Transform Operating Stores, LLC, Sears' successor in interest to the lease at the Sears store at the Gardens Mall in Palm Beach Gardens, FL.
- Represented Fortune 500 company in a dispute over control of a Florida LLC created to re-develop a 32-acre mixed use parcel in South Florida for a multi-million dollar project.
- Represented South Florida manufacturer in an action against former shareholders and officers seeking an injunction for misappropriation of trade secrets under Florida law.
- Represented private lender in foreclosing a commercial mortgage, seeking to recover millions of dollars in damages for breach of a promissory note, and enforcing personal guaranties.
- Represented owner and operator of South Florida hotel properties in defense of actions brought pursuant to the Americans with Disabilities Act.
- Represented owner and operator of Miami Beach hotel property in defense of nuisance claims brought by neighboring condominium association.

## Awards & Honors

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- *The Best Lawyers in America*®, "Ones to Watch" 2022-2025
- *Florida Super Lawyers*, Rising Star, 2022-2025

## Community Activities / Associations

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- The Federal Bar Association - Broward County Chapter, 2020-present
  - Secretary
  - Chair, Pro Bono Committee
  - Chair, Civics Committee
- The Florida Bar Civil Procedure Rules Committee, 2019-present
- The Florida Bar Rules of General Practice and Judicial Administration Committee, 2021-present
- American Bar Association, Litigation Section, Business Torts & Unfair Competition Committee
  - Co-chair, Young Advocate Subcommittee, 2020-2021
- Anti-Defamation League Civil Rights Committee, 2017- 2020
- Greater Miami Jewish Federation Sunset Over Miami Host Committee, 2015-2019
- Greater Miami Chamber of Commerce
  - Leadership Miami ®, Class of 2017

## In the News

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Twenty-Three Berger Singerman Attorneys Recognized in 2025 Edition of Florida Super Lawyers  
June 26, 2025

Fifty-Six Berger Singerman Attorneys Recognized in the 2025 Edition of Best Lawyers In America  
August 15, 2024

Forty-Three Berger Singerman Attorneys Recognized in the 2023 Edition of Best Lawyers In America  
August 18, 2022

Twenty-three Berger Singerman Attorneys Recognized in 2022 Edition of Florida Super Lawyers  
June 27, 2022

Thirty-Nine Berger Singerman Attorneys Recognized in the 2022 Edition of Best Lawyers In America  
August 19, 2021

Berger Singerman Announces 2021 Elevations  
January 5, 2021

## Publications

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American Bar Association "Beware of Your Broker: Duties Arising from Agency Representation of Real Estate Professionals"  
July 8, 2020

Law360, "Florida Private Trials An Attractive Option During COVID-19"  
March 23, 2020

## Events & Speaking Engagements

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Nicole Levy Kushner, Panelist, "Complex Discovery Issues and Corporate Assertions of Privilege" ABA  
Litigation Section Roundtable  
August 24, 2021

## Doing Business in Florida Blog

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Hurricane Damage Caused by Flying Debris. Who's Liable?  
June 21, 2018

Medical Marijuana in Florida: The Prospects of Amendment 2 and the Rise of Charlotte's Web  
October 9, 2016

Medical Marijuana Bill Presented to Florida Governor  
March 14, 2016

Déjà vu: Claim and Issue Preclusion  
September 21, 2015

## Prior Affiliations

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- Duane Morris LLP