# BERGER SINGERMAN REPRESENTS CHARLES LYDECKER, ALAN FLOREZ AND BEN BARBIERI AS FOUNDING PARTNERS OF FOUNDATION RISK PARTNERS IN STUNNING COURT VICTORY OVER BROWN & BROWN INSURANCE

December 6, 2022

MIAMI, FL (December 6, 2022) – Berger Singerman, Florida's Business Law Firm, is pleased to announce that its trial team led by partner, James Gassenheimer, and including partners Leonard Samuels and Stephanie M. Chaissan, and associate Brittany Husk, secured a trial win after three (3) weeks of trial in Daytona Beach, Florida. The highly watched case against Charles Lydecker, Alan Florez and Ben Barbieri, each a founding partner of Foundation Risk Partners, involved claims totaling more than $145 million brought by publicly traded Brown & Brown Insurance ("Brown & Brown" or "BRO"). Brown & Brown was seeking damages for claims of alleged breach of fiduciary duty, breach of restrictive covenants in employment contracts and transition agreements, and tortious interference with contractual and business relationships.

The trial was on one of two cases filed by BRO; the other case was filed against Foundation Risk Partners and another founding partner, Thomas G. Tinsley. "The case we tried has substantially overlapping issues with the companion case and the judgment we obtained should resolve many of the outstanding issues in the related case." commented James Gassenheimer.

Following closing arguments, Seventh Judicial Circuit Court Judge Dennis Craig announced his detailed findings of fact and directed the entry of a final judgement in favor of Lydecker, Florez and Barbieri on all remaining counts and denied Brown & Brown the entirety of its $145MM claims. The Court reserved jurisdiction to award attorney's fees and costs to Lydecker, Florez and Barbieri.

This was a highly contentious trade secret, non-compete and contract dispute that emanated from the insecurity of the third generation of the founders of Brown & Brown. After forcing the resignation of certain key senior executives from BRO, those executives, including the defendants, founded an insurance business that competes with Brown & Brown in its backyard of Daytona Beach, Florida. The damages claims center around one of Foundation Risk Partners' early acquisitions, Corporate Synergies Group ("CSG"). The CSG acquisition in November 2017 was a major factor in Foundation Risk Partners' early success. Foundation Risk Partners was funded by Warburg Pincus, LLC, who was also named in the case and dismissed by summary Judgement immediately prior to trial. BRO claimed CSG was its acquisition target and believed that Lydecker was restricted from being a part of the acquisition. The Court found BRO had no legitimate business interest in CSG and that the acquisition by Foundation Risk Partners caused no damages to Brown & Brown. In related claims, the Court found the defendants did not solicit employees and/or accounts of BRO or use confidential information, as was claimed.

"It was labeled by BRO in their opening pleading as a betrayal but was really an effort by Chairman Hyatt Brown and Chief Executive Officer Powell Brown, who both testified at the trial, to wrongfully attempt to crush

competition in BRO's backyard. BRO called 23 witnesses in the prosecution of its case. In addition to its Chairman and CEO, the witnesses included Chief Financial Officer Andy Watts, Chief Acquisition Officer Scott Penny and Retail Regional President Rich Knudson," commented James Gassenheimer. "As the credibility of Brown & Brown's witnesses faltered, the true intent emerged. We are ecstatic to have delivered this victory for the consumer and defeated Brown & Brown's continued efforts to maintain a monopoly in the Florida insurance market," continued Gassenheimer.

Foundation Risk Partners, founded in 2017, is one of the fastest growing independent insurance brokerage and consulting firms in the United States, ranked as the 30th largest independent insurance brokerage in the United States. BRO is the fifth largest independent insurance brokerage with revenues of more than $3.5 billion.

## Related Practices

Complex Commercial Litigation

## Related Practice Teams

Dispute Resolution

## Related Team Member(s)

James D. Gassenheimer

Leonard K. Samuels

Stephanie Marie Chaissan

Brittany N. Husk