



Ralph C. Losey
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Practice Areas

Electronic Discovery; Commercial, Insurance and Employment Litigation and Mediation; Information Technology Law.

Education:

University of Florida College of Law, Gainesville, FL, 1979, J.D. *Honors*.

Vanderbilt University, Nashville, Tennessee, B.A., 1973.

Institute of European Studies, Vienna, Austria, 1971-1972.

Bar Admissions:

1980, Florida.

Court Admissions:

U.S. District Court, Northern District of Florida.

U.S. District Court, Middle District of Florida.

U.S. District Court, Southern District of Florida.

U.S. Court of Appeals, Eleventh Circuit.

U.S. Supreme Court.

Professional Associations and Memberships:

The Florida Bar:

Past member of the Joint Presidential Advertising Task Force on Internet Advertising, and the Computer Law Committee.

International Technology Law Association.

Sedona Conference.

Federal Bar Association.

American Bar Association.

Orange County Bar Association.

Professional Experience:

Ralph C. Losey is a shareholder in the Orlando office of Akerman Senterfitt and has been the Co-Chair of Akerman's e-Discovery Team since 2006. He entered private practice in Orlando in 1980. Prior to becoming a shareholder at Akerman, he was a shareholder with Subin, Shams, Rosenbluth, Moran, Losey and Brennan, P.A., where, in addition to practicing law, he was in charge of the firm's computer systems for over 15 years.

Ralph has a long history in commercial litigation in both state and federal court, with an emphasis on technology-related issues, ERISA disputes, and fraud. His experience includes one of the largest e-discovery cases in Central Florida, involving the collection and analysis of large quantities of data from hundreds of computers and networks located throughout the country.

Ralph has unique practical experience as a computer user and programmer going back to 1978. He has worked with mainframes, minicomputers, Macs and PCs, utilizing all applications imaginable, and creating and designing software and Internet websites. Ralph was the first lawyer in Central Florida to have a computer on his desk, the first to use Westlaw, and the first lawyer in Florida with an Internet website. He was also a pioneer in the field of Computer Law, dating back to the early 1980s where he developed special expertise in computer database protection, software licensing, and later, Internet law; see for instance, *The Legal Protection of Computer Databases*, Florida Bar Journal (1991). Ralph has also worked with high-tech start-up companies, where he helped develop a foodservice database which later became the industry (IDFA) standard.

He has been involved in technology disputes of all kinds, including the widely publicized case concerning the private collection and sale of a database of all Florida drivers license photographs: *Image Data, L.L.C. v. Sullivan*, 739 So.2d 725 (5th DCA 1999), and the recent e-discovery spoliation adverse inference decision, *Optowave Co., Ltd. v. Dmitri G. Nitikin*, 2006 WL 3231422 and 2006 Lexis 81345 (M.D. Fla. November 7, 2006). He was also in the first group of attorneys to be certified by the Florida Supreme Court as a Mediator of High Technology disputes, and has extensive experience in alternative dispute resolution.

Recognition:

Martindale-Hubbell **AV** Peer Review Rating.
Certified High Technology Mediator, Florida Supreme Court.
Certified Arbitrator, Orange County Bar Association.
Who's Who in American Law (since 1985).

Published Works:

Computer Hash: the New Bates Stamp, 12 Journal of Technology Law and Policy 1 (June 2007)
e-Discovery Team BLOG. <http://ralphlosey.wordpress.com/> Updated weekly.

Just the Facts: A Call for Clarification and Simplification of the Eleventh Circuit's Standard of Review for an ERISA Claims Fiduciary's Factual Determinations, 5-1 Mealey's Litig. Report: Disability Ins. 13 (2004).
Your Cyber Rights and Responsibilities: The Law of the Internet, Chapter 3 of Que's Special Edition Using the Internet (Macmillian 3rd Ed. 1996).
Protecting Your Intellectual Property, Profit Magazine (IBM - 1992).
The Legal Protection of Computer Databases, Florida Bar Journal (1991).
The Meaning of De Novo Review in ERISA Law, Trial Advocate Quarterly (1991).
Bruch Creates Split in Circuits On Standard of ERISA Appellate Review, The National Law Journal (1991).

Continuing Legal Education Presentations:

Introduction to e-Discovery, Florida Bar Association Seminar, Speaker (June 28, 2007)
Introduction to e-Discovery: Prosecutor's Version, Florida Attorney General Office Seminar, Speaker (June 27, 2007)
Emerging Standards of Metadata Production, National Webcast Seminar by Navigant Consulting, 2007.
Solving the e-Discovery Problem: a Practical Team Approach, Keynote Luncheon Presentation at the Association of Corporate Counsel, New Jersey Chapter, CLE on e-Discovery and Modern Records Management, 2007.
New Rules and Their Ramifications, National Business Institute Webcast Seminar on Electronic Discovery, 2007.
Myriad of Issues Created by the New Rules, National Business Institute Webcast Seminar on Electronic Discovery, 2007.
ERISA and the New e-Discovery Rules, West LegalWorks 19th Annual ERISA Litigation Conference, 2007.
Electronic Discovery, Akerman Senterfitt Litigation Retreat Seminar; 2006; Panelist.
Judicial Review of Claims Decisions, 17th Annual Glasser LegalWorks ERISA Litigation Conference Manual (2005).
Mediation Video Training (2004): Lead Instructor; Akerman Senterfitt ERISA Litigation Department; six month training program.
Deposition Video Training (2002): Lead Instructor; Katz Kutter ERISA Litigation Department; six month training program.
Numerous CLE presentations on the *Law of the Internet*, *E-Records*, and on *Bar Ethics and Internet Advertising*. (1994-1999).
Internet and High Technology in the Practice of Law. Presentation in 1997 to the Board of Governors of The Florida Bar, and several members of the Florida Supreme Court, followed by leadership of a panel discussion on the topic.

Representative Clients and Industries:

Harris Corporation

The National Companies

MetLife

The Hartford

CIGNA

High Technology; Computer, Software and Internet Industries

Insurance Industry

Retail Pharmacy and Pharmaceutical

Health Care

Military-Industrial

Representative Cases: See attached list of published decisions. Unpublished cases of note include numerous computer law cases and the successful defense of a *Qui Tam* case in District Court in Orlando seeking over One Billion Dollars in damages and fines related to allegations of false billings to Medicaid by a Fortune 500 Company, and involving numerous substantial e-Discovery issues.

Community Involvement: Winter Park High School Crew Boosters (Past President 2001); Echoes of the Ancestors African Relief Foundation; Negro Spiritual Scholarship Foundation; Tee-Lo Junior Golf Foundation (2003 recipient of Corporate Sponsor Award);

Hobbies: Computers, Internet, Dogs, Golf and Fishing.

Published Decisions

- Barron v. General Elec.*, No. 8:05-CV-1046-T-17MAP, 2006 WL 905514 (M.D. Fla. 2006)
- Baker v. Hartford Life and Accident Insurance Co.*, 371 F. Supp. 2d 1352 (M.D. Fla. 2005)
- Barchus v. Hartford Life and Accident Ins. Co.*, 320 F. Supp. 2d 1266 (M.D. Fla. 2004)
- Belknap v. Hartford Life and Accident Ins. Co.*, 389 F. Supp. 2d 1320 (M.D. Fla. 2005)
- Bird v. Eastman Kodak Co.*, 290 F. Supp. 2d 1117 (M.D. Fla. 2005)
- Brevard Emergency Services v. EmCare, Inc.*, No. 6:04-CV-1892-ORL-28-JGG, 2005 WL 1074272 (M.D. Fla. 2005)
- Chilton v. Prudential Ins. Co. of Am.*, 124 F. Supp. 2d 673 (M.D. Fla. 2000)
- Chiroff v. Life Ins. Co. of N. Am.*, 142 F. Supp. 2d 1360 (S.D. Fla. 2000)
- Clermont Builders Supply, Inc. v. General Const. & Design, Inc.*, 423 So. 2d 518 (Fla. 5th DCA 1982)
- Cohen v. Hardman*, 416 So. 2d 498 (Fla. 5th DCA 1982)
- Cook v. Theme Park Ventures, Inc.*, 633 So. 2d 468 (Fla. 5th DCA, 1994)
- Crume v. Metropolitan Life Insurance Co.*, 417 F. Supp. 2d 1258 (M.D. Fla., Feb. 14, 2006)
- Crume v. Metropolitan Life Insurance Co.*, 387 F. Supp. 2d 1212 (M.D. Fla. 2005)
- Crume v. Metropolitan Life Insurance Co.*, 388 F. Supp. 2d 1342 (M.D. Fla. 2005)
- Curran v. Abbott Laboratories Extended Disability Plan*, 331 F. Supp. 2d 1376 (M.D. Fla. 2004)
- Curran v. Abbott Laboratories Extended Disability Plan*, 2005 WL 894840 at *8 (11th Cir. 2005), *aff'g* order granting summary judgment, 331 F. Supp. 2d 1376 (M.D. Fla. 2004)
- Dowling v. Metropolitan Life Insurance Co.*, 355 F. Supp. 2d 1311 (M.D. Fla. 2004)
- Earnest v. Metropolitan Life Ins. Co.*, 291 F. Supp. 2d 1327 (M.D. Fla. 2003)
- Featherston v. Metropolitan Life Insurance Co.*, 389 F. Supp. 2d 1302 (N.D. Fla. 2005)
- Featherston v. Metropolitan Life Insurance Co.*, 223 F.R.D. 647 (N.D. Fla. 2004)
- Fick v. Metropolitan Life Ins. Co.*, 320 F. Supp. 2d 1314 (S.D. Fla. 2004)
- Fick v. Metropolitan Life Ins. Co.*, 374 F. Supp. 2d 1271 (S.D. Fla. 2004)
- Fleming v. Metropolitan Life Ins. Co.*, No. 8:06-CV-88-T-23TBM, 2006 WL 709560 (M.D. Fla., March 16, 2006)

Ganceres v. Cingular Wireless Health and Welfare Benefits Plan for Non-Bargained Employees, etc., et al., Case No. 3:04-cv-199-J-32-MMH, 2006 WL 2644919 (M.D. Fla. 2006)

Hallford v. Metropolitan Life Ins. Co., 158 Fed.Appx. 198, 2005 WL 3159939 (11th Cir. 2005), *aff'g* order granting summary judgment, 367 F. Supp. 2d 1353 (N.D. Fla. 2005)

Hufford v. Harris Corporation, 322 F. Supp. 2d 1345 (M.D. Fla. 2004)

Image Data, L.L.C. v. Sullivan, 739 So. 2d 725 (Fla. 5th DCA 1999)

Image Data, L.L.C. v. Sullivan, 745 So. 2d 567 (Fla. 5th DCA 1999)

Jordan v. Lakeland Regional Medical Center, Inc., 153 F. Supp. 2d 1333 (M.D. Fla. 2001)

Kennedy v. Metropolitan Life Insurance Co., Verizon Claims Review Committee, et al., 357 F. Supp. 2d 1346 (M.D. Fla. 2005)

Kirk v. Metropolitan Life Ins. Co., 331 F. Supp. 2d 1361 (M.D. Fla. 2004)

Lake v. Hartford Life and Accident Ins. Co., 218 F.R.D. 260 (M.D. Fla. 2003)

Lake v. Hartford Life and Acc. Ins. Co., 320 F. Supp. 2d 1240 (M.D. Fla. 2004), *aff'd per curiam*, 126 Fed. App'x. 463 (11th Cir. 2004)

Lake v. Hartford Life and Acc. Ins. Co., No. 8:03-CV-237-T-26EAJ, 2004 WL 1253784 (M.D. Fla. 2004)

Lowe v. Telesat Cablevision Inc., 825 F. Supp. 1000 (M.D. Fla., 1993)

Lowe v. Telesat Cablevision, Inc., 837 F. Supp. 410 (M.D. Fla., 1993)

Mack v. Metropolitan Life Insurance Co., No. 06-14406, 2007 WL 1720471 (11th Cir. June 15, 2007)

Mack v. Metropolitan Life Insurance Co., 2006 WL 2052365 (M.D. Fla. July 21, 2006)

Metropolitan Life Ins. Co. v. Carter, No. 3:04-CV-668-J32HTS, 2005 WL 2810699 (M.D. Fla. 2005)

Metropolitan Life Ins. Co. v. Carter, No. 3:04-CV-668-J32HTS, 2005 WL 1668865 (M.D. Fla. 2005)

Meyer v. Hartford Life and Accident Ins. Co., 320 F. Supp. 2d 1256 (M.D. Fla. 2004)

Mutual of Omaha Ins. Co. v. Gold, 669 So. 2d 362 (Fla. 5th DCA 1996)

Mutual of Omaha Ins. Co. v. Gold, 681 So. 2d 1204 (Fla. 5th DCA 1996)

Mutual of Omaha Ins. Co. v. Wood, 679 So. 2d 69 (Fla. 5th DCA 1996)

Nicholson v. Ariko, 539 So. 2d 1141 (Fla 5th DCA 1989)

Nicholson v. Ariko, 565 So. 2d 843 (Fla. 5th DCA 1990)

Novak v. Irwin Yacht and Marine Corp., 986 F.2d 468 (11th Cir. 1993)

Onofrietti v. Metropolitan Life Ins. Co., 320 F. Supp. 2d 1250 (M.D. Fla. 2004)

Optowave Co., Ltd. v. Dmitri G. Nitikin, et al, 2006 WL 3231422 and 2006 Lexis 81345 - Case No. 6:05-cv-1083-ACC-DAB, Doc. 90 (M.D. Fla. 2006).

Parness v. Metropolitan Life Ins. Co., 291 F. Supp. 2d 1347 (S.D. Fla. 2003)

Providence v. Hartford Life and Accident Insurance Company, 357 F. Supp. 2d 1341 (M.D. Fla. 2005)

Rementer v. Metropolitan Life Ins. Co., No. 6:04-CV-1148-ORL-22-JGG, 2006 WL 66721 (M.D. Fla. 2006)

Revello v. Life Insurance Company of North America, No. 6:03-CV-1787-ORL, 2004 WL 1253887 (M.D. Fla. 2004)

Riccard v. Prudential Ins. Co., 307 F.3d 1277 (11th Cir. 2002)

Ridge v. Hartford Life and Acc. Ins. Co., No. 8:03-CV-1871-T-26EAJ, 2005 WL 889964 (M.D. Fla. 2005)

Ridge v. Hartford Life and Acc. Ins. Co., 339 F. Supp. 2d 1323 (M.D. Fla. 2004)

Sarasota Cloth Fabric & Foam, Inc. v. Benes, 502 So. 2d 1354 (Fla. 5th DCA 1987)

Sarasota Cloth Fabric & Foam, Inc. v. Benes, 482 So. 2d 574 (Fla. 5th DCA 1986)

Sejdic v. Group Long-Term Disability Plan for Employees of Homeside Lending, Inc., et al, 348 F. Supp. 2d 1313 (M.D. Fla. 2004)

Shaler v. United of Omaha Life Ins. Co., 718 So. 2d 953 (Fla. 5th DCA 1998)

Shaw v. Connecticut General Life Ins. Co., 353 F.3d 1276 (11th Cir. 2003)

Shideler v. Connecticut General Life Insurance Company, et al, 563 So.2d 1082 (Fla. 5th DCA 1990)

Snider v. Cingular Wireless Health and Welfare Benefits Plan for Non-Bargained Employees, etc., et al, Case No. 3:04-cv-198-J-32-MMH, 2006 WL 2400952 (M.D. Fla. 2006)

Thomas v. Lockheed Martin Information Sys., 155 F. Supp. 2d 1316 (N.D. Fla. 2001)

Torres v. Pittston Co., 346 F.3d 1324 (11th Cir. 2003)

Walker v. Connecticut General Life, 4 F.3d 999 (Table) (11th Cir. 1993)

Wall v. Pennzoil-Quaker State Company et al, 358 F. Supp. 2d 1169 (S.D. Fla. 2004)