

MEDIATOR PROFILE



Roy Scott Kobert

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Florida Supreme Court Certified Mediator: #36341 R

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Certified Federal Court Mediator, Middle District of Florida

Certified Bankruptcy Court Mediator, All Florida Districts

Registry of Bankruptcy Mediators, District of Delaware

Florida Supreme Court Qualified Arbitrator, 9th Circuit

Experience

After 35 years of practicing law, Roy has been repeatedly called upon over the last two decades to serve as a designated neutral in a myriad of substantive cases. Board certified for over 20 years, he is a recognized expert in all facets of bankruptcy matters (drafting of consensual Chapter 11 plans of reorganization, pre-suit and pending adversary proceedings, including avoidable preferences, fraudulent transfer (including Ponzi fraud litigation) and fraud in the inducement, claims objections and objections to discharge/dischargeability). The bankruptcy courts in Miami, West Palm Beach and Orlando have ratified Roy's selection as the exclusive mediator for numerous preference and fraudulent transfer adversaries.

In addition to bankruptcy matters, Roy has mediated a broad range of commercial disputes in state and federal courts including, among other matters, claims for breach of contract, non-compete and restrictive covenants, partnership disputes, banking and U.C.C. Article 9 issues, receiverships, insurance coverage and bad faith claims, post judgment collection and domestication of foreign judgments, financial aspects of divorce, employment, eminent domain and inverse condemnation, valuation disputes, will contests, business dissolution, legal malpractice, lender liability, trademark and service mark infringement, unfair competition, replevin and garnishments, landlord/tenant disputes, Assignment for the Benefit of Creditor actions and foreclosure/lien contests. Mr. Kobert was appointed as the lead mediator in a series of lawsuits initiated by the Office of Financial Regulation. On several occasions, Roy was retained to mediate cases where prior attempts were unsuccessful.

Virtual/Hybrid Mediations

Roy can mediate your case seamlessly on *Zoom* platform as well as via hybrid with litigants on the same side participating simultaneously in person and virtually.

Mediation Training

In 2011, Roy was the first Florida-based graduate of the 40 hour advanced mediation course conducted by the St. John's University School of Law (New York City) Governor Hugh Carey Center for Dispute Resolution.

Mediation-Related Comments from the Judiciary

- Prior to the commencement of a public swearing in ceremony for a new member of the Florida Bar, the presiding Judge surveyed those present and was kind enough to recognize me as, "...the esteemed Mediator, Roy Kobert, who is at the top of almost everybody's list whenever we have a mediation. Welcome. I hear your name more often than any other Mediator's name in this Courtroom." **(April 25, 2024) (Tampa Division).**
- Eight (8) distinct parties participated in mediation over three (3) months to achieve an approved settlement in which the Court observed "...I appreciate your work Mr. Kobert. You have...your name has been said in my courtroom – if I had a dollar for every time its been said, I could probably retire." *In re: Lucas, Macyszyn & Dyer, PLLC*, Case No: 8:23-bk-03944-CPM **(February 22, 2024) (Tampa Division).**
- Commentary from the Chief Judge following an on-site mediation in Miami Beach, "*Mr. Kobert has a well-deserved reputation as a very skillful Mediator and I am glad that he was able to reach a resolution in this case.*" Following approval of a global settlement of three (3) related bankruptcy cases and an adversary proceeding: *In re: George Vukobratovich*, Case No: 2:22-bk-00496-FMD; *In re: Jordan David Poppa-Turner*, Case No: 2:22-bk-00497-FMD; *In re: Poppa Construction, Inc.*, Case No: 2:22-bk-00498-FMD; and *Poppa Construction, Inc., et al v. PPF LRIII Portfolio, LLC*, Case No: 2:22-ap-00026-FMD, **(October 17, 2022) (Ft. Myers Division).**
- Following a series of contentious disputes set for two separate trials, the Chief Bankruptcy Judge of the Northern District of Florida commented on the related mediations, "*It's an outstanding result. Please extend my gratitude, and the Court's gratitude, to Mr. Kobert for his efforts in facilitating the resolutions that have led to today.*" *In re: Tyndall Parkway Apartments, LLC.*, Case No. 21-50044-KKS **(January 20, 2022) (Tallahassee Division).**
- After 305 days of on-again, off-again mediation sessions seeking to unravel several healthcare businesses in order to achieve a 'business divorce', when ratifying the documented settlement, the Chief Judge commented, "*Mr. Kobert does an incredible job as a Mediator. I have witnessed his mediation skills first hand and I am always happy to hear confirmation that he continues to just do a remarkable job mediating difficult cases.*" *In re: Raj S. Ambay*, Case No. 8:20-bk-05283-CED **(November 8, 2021) (Tampa Division).**
- In the midst of a three party mediation, the litigants reported to the Court on the status of the external proceedings with Mediator Roy Kobert. In response, the Judge observed, "...[Y]ou have a very good mediator." *In re: Lake Cecile Resort, Inc.*, Case No: 6:21-bk-01060-KSJ **(October 15, 2021) (Orlando Division).**
- Following mediation successfully concluded the night before the pre-trial conference, the Court told the litigants, "*And tell Mr. Kobert thank you when you talk to him next.*" *In re: Krueger (Wesbanco Bank, Inc. v. Nett Construction Co., LLC.)*, Case No. 6:20-ap-00119-KSJ, **(August 12, 2021) (Orlando Division).**

- In open Court discussing a 3 party mediation, the Chief Judge stated, "*Mr. Kobert did a phenomenal job [in a prior mediation]... Mr. Kobert exhibited incredible skill. I would say he was sort of my assistant mediator, in negotiations between counsel, who definitely had their horns locked in a death battle. I have also heard very complimentary remarks about Mr. Kobert's skill as a mediator in a number of other cases. So to the extent that you are thinking about Mr. Kobert, he would be great. Mr. Kobert is excellent.*" *In re: Tampa Bay Marine*, Case No. 8:20-bk-01418-CED (**October 5, 2020**) (**Tampa Division**).
- In discussing the ideal mediator to handle a complex commercial business dispute involving allegations of (i) fraud, (ii) embezzlement and (iii) willful and malicious injury, the Chief Judge commented that "*[Kobert] is a good lawyer and a good mediator.*" *In re: Talanga*, Case No. 8:17-09357-MGW (**February 28, 2019**) (**Tampa Division**).
- When confirming a consensual Plan drafted at mediation, the presiding Judge commented on the 4-party mediation, "*I do want to thank Mr. Kobert for his services. I have had the good fortune of working with Mr. Kobert as almost a co-mediator in another case and he does a very good job and doesn't give up, even when the going gets rough... So thank you to Mr. Kobert for his hard work.*" *In re: C&D Fruit and Vegetable Co., Inc.*, Case No. 8:18-00997-CED (**September 24, 2018**) (**Tampa Division**).
- "*I thank you Mr. Kobert for resolving this mediation. Mr. Kobert is one of the best lawyers in the Middle District. He appears before all the bankruptcy courts in the Middle District and we look forward to him coming in because he does such a good job.*" *In re: Lou Webber Tire, Inc.*, Case No. 3:16-03574-PMG (**February 6, 2018**) (**Jacksonville Division**).
- Following an 8 party mediation, during consideration of the Mediator's Fee Application the Court commented "*I will approve 100% of the fees and 100% of the costs and Mr. Kobert, I do think you did an excellent job here. You really did.*" *In re: Chariots of Palm Beach, Inc.*, Case No. 9:17-19455-PGH (**October 11, 2017**) (**West Palm Beach Division**).
- At a hearing to discuss potential mediators for a complicated commercial foreclosure action, the presiding judge commented, "*Mr. Kobert would be an outstanding choice to resolve this.*" *In re: David W Goldman*, Case No. 8:12-17503-KRM (**March 2, 2017**) (**Tampa Division**).
- "*The Mediator did an excellent job and successfully mediated [3 related] controversies.*" See Order Approving Application for Allowance of Mediation Fees and Reimbursement of Expenses to Mediator, Roy Kobert, Esq. (Docket #366) *In re: Lourdes Zaczac*, Case No. 6:08-12225-CCJ (**December 30, 2013**) (**Orlando Division**).
- Mr. Kobert was found to be both "*an experienced mediator*" and "*a talented mediator*" in a reported decision ratifying a mediated result overruling an objection to the settlement. See *In re: Johnson; Afflis v. Johnson*, 2010 Bankr. LEXIS 3671 (**2010**) (**Orlando Division**).

Mediation Publications

- Contributing Author, Bankruptcy Mediation (intermediate level book) published by the *American Bankruptcy Institute* (Second Edition, 2016)

- *ZOOMing Along...How to Get the Most Out of Your Next Virtual Mediation*; Spring 2021 publication by the *Tampa Bay Bankruptcy Bar Association*
- *Painful Lessons I Learned at Mediation*; Fall 2022 publication by the *Tampa Bay Bankruptcy Bar Association*
- *Mediator's Guide to Next Gen Virtual Mediations*; Spring 2023 publication by the *Alternative Dispute Resolution Section of the Florida Bar*

Instructor at Mediation Seminars

- "*Effective Use of Mediation in Commercial Bankruptcy Matters*" (37th Annual Paskay/American Bankruptcy Institute Seminar)
- "*Mediation as an Effective Cost Saving Measure in Chapter 11*" (Jacksonville Bankruptcy Bar Association Annual Seminar)
- "*Contentious to Consensual: Strategies for Resolving the Hard Ones*" (Northern District Bankruptcy Bar Association Annual Seminar)

Mediation Professional Associations

- Diplomate, National Academy of Distinguished Neutrals (by invitation only)
- Bankruptcy, Model Mediation Rules Committee
- Alternate Dispute Resolution Section, The Florida Bar
- Board of Directors, American Board of Certification, 2009-2011
- Florida Association of Professional Mediators
- Panelist, Florida Bar Grievance Mediation & Fee Arbitration Program

Awards and Recognitions

- AV Preeminent™ rated by *Martindale-Hubbell*, consistently since 2004 (Bankruptcy) (Alternative Dispute Resolution, 2015)
- *Best Lawyers in America*, consistently since 2006
- *Florida Super Lawyers*, consistently since 2006
 - Top 50 Lawyers in Orlando, 2018-2020 and 2022
- *Chambers USA*, Bankruptcy/Restructuring, consistently since 2005 (Band 2)
- Litigation Counsel of America, Fellow, 2013-2015
- *Orlando Magazine*, Best Lawyers, 2006-2007 and 2009 to date
 - Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, consistently since 2009; Litigation – Bankruptcy, consistently since 2009
- *Florida Trend*, Legal Elite, 2005, 2009, 2012, and 2014 to date
- Leading Florida Attorney, Bankruptcy and Workout Law, consistently since 2007
- Named "Top 10 Businessmen to Watch in 2009," *Orlando Business Journal*
- America's Top 100 Bet-the-Company Litigators, Northern Florida 2019

Venues

Sometimes a neutral site facilitates the overall mediation process. Mr. Kobert offers, at no charge to participants, use of his Florida conference centers in (i) Boca Raton, (ii) Ft. Lauderdale, (iii) Ft. Myers, (iv) Gainesville, (v) Jacksonville, (vi) Key West, (vii) Lakeland, (viii) Melbourne, (ix) Miami, (x) Naples, (xi) Orlando, (xii) Tallahassee, (xiii) Tampa, and (xiv) West Palm Beach.

Real Time Calendar

Click <https://nadm.org/roy-kobert> to view real time availability. Some slots are merely on a temporary hold for parties, so feel free to call if your pre-selected mediation date(s) are presently blocked.

Donation

Following completion of the ADR file, Kobert donates \$50 to the recognized charity of your choice.