



MARK S. FISTOS, ESQ.

Partner

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Mr. Fistos concentrates his practice on complex civil litigation in state and federal courts, including classaction and individual litigation relating to breach of contract, unjust enrichment, long-term care insurance, privacy, false advertising, elder abuse, the Lanham Act, breach of warranty, unfair competition, fraud, unfair and deceptive trade practices and Qui Tam (whistleblower) claims. He has litigated class action and consumer cases in various state and federal jurisdictions for more than 20 years. He has published and presented several article and training materials for The Florida Bar on consumer fraud and deceptive trade practice issues. He has been published in the journal of the Florida Justice Association. He has also been a regular presenter for the Florida Justice Association on various topics, including insurance law and e-discovery.

After receiving his M.A. and law degrees from Florida State University, he began his legal career as an Assistant Attorney General in the Florida Attorney General's Economic Crimes Litigation Unit in Tallahassee. There, he prosecuted numerous cases involving consumer fraud, unfair methods of competition, the Racketeer Influenced and Corrupt Organizations (RICO) Act, deceptive trade practices, and whistleblowers, against defendants ranging from large telecommunications companies, and marketing enterprises to corporate-owned funeral providers.

As an Assistant Attorney General, Mr. Fistos was a primary drafter of the major amendments to the Little FTC Act in 1993 (appearing in Chapter 93 38, Laws of Florida), commonly referred to as the Florida Deceptive and Unfair Trade Practices Act, F.S. Chapter 501, part II.

As a Florida Class Action and trade practice lawyer, Mr. Fistos' work has litigated state and federal class cases and Qui Tam cases involving national computer manufacturers, utilities, banks, and data mining companies, among others. Some representative cases in Mr. Fistos' practice areas include:

Mr. Fistos handled one of the first viatical settlement case handled by the Office of the Florida Attorney General and one of the first such cases ever litigated in the county. Consumers received restitution and the principal operator was permanently enjoined from ever engaging in the viatical and insurance business. The case served as a primary impetus for passage of a Viatical Settlement Act in Florida.

As lead counsel, Mr. Fistos won a nationwide class settlement with a worldwide computer manufacturer including approximately 5 million class members and relief to the class valued at over \$144,000,000.

In another class case, Mr. Fistos and co-counsel won a nationwide injunctive class settlement composed of over 200 million Americans whose personal information was allegedly brokered in violation of federal privacy laws. The settlement requires companies to implement extensive programs and policies to protect consumer's privacy, and to stop alleged misuses of their personal information. Mr. Fistos was a primary litigator on the case, drafter of case documents, and a primary strategist.

In a recent precedent-setting long term care insurance case that Mr. Fistos, his partner and his co-counsel advocated for elderly victims Judge James I. Cohn of the U.S. District Court of the Southern District of Florida granted final approval of a class action settlement which created an \$8 million fund for elderly class members with home healthcare insurance policies issued by Washington National Insurance Company (WNIC). The agreement also placed all those elderly insured's back on claim, meaning the insurance company would now be responsible for the cost of care of our clients. In addition, plaintiff's counsel also received court approval that required WNIC to make a \$100,000 cy pres award (donation) to a charity whose mission is to serve the needs of the elderly the court approved the Alzheimer Association as recipient of the donation.

PRACTICE AREAS

[Class Action Litigation](#)
[Personal Injury Litigation](#)
[Insurance Litigation](#)

BAR ADMISSIONS

Florida
United States District Courts for the
Southern District of Florida
United States District Courts for the Middle
District of Florida
United States District Courts for the
Northern District of Florida
United States Court of Appeals for the
Eleventh Circuit.

EDUCATION

Florida State University, J.D.
Florida State University, M.A.

AWARDS

Super Lawyer, 2014, 2015, 2017
Top 100 Civil Plaintiff Lawyers, 2016

PROFESSIONAL MEMBERSHIP

Scribes: The American Society of Legal
Writers.