

MICHAEL H. KAHN

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Melbourne, Florida 32935

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EDUCATION: J.D. Duke University, 1977
M.A. Emory University, Law and History,
Interdisciplinary Studies, 1979
M.A.T. University of Florida, History, 1974
B.A. University of Florida, History, 1971

EMPLOYMENT: MICHAEL KAHN, P.A.

AREAS OF EXPERIENCE: Complex business litigation (state and federal court)
Intellectual Property Litigation
First Amendment and Constitutional Law
Ordinance preparation and defense; advice and counsel
Corporate and Business Law: corporate strategy;
transactions; contracts; purchase and sale of
businesses; corporate formation and structure;
Lobbying and political experience
Broadcast Law (television and radio)
Computer Law and Law of the Internet
State sales tax and *ad valorem* Property Tax
Contracts

INTELLECTUAL
PROPERTY LITIGATION
EXPERIENCE: **Hi Shear v. United Space Alliance**
Case No. 05-2000-CA-24754 (2005)
Nine week jury trial in a case which involved
intellectual property and the United States Space
Shuttle

Stuart v. Golden Enterprises, Inc.
Case No. 89-640-CIV-ORL-19

Golden v. ATT, Stuart.
Case No. 89-640-CIV-ORL-19

Mnemonics v. Bateman
79 F.3d 1532 (11th Cir. 1996)

Lead counsel in copyright infringement trial and co-counsel in appeal. Seminal and oft quoted 11th Circuit case regarding copyright and computer software.

FIRST AMENDMENT
LITIGATION EXPERIENCE:

Bates, et al. v. City of St. Augustine
Case No. 3:09-cv-205-J-34MCR (2009)

Represented the City of St. Augustine as Special Counsel in a First Amendment challenge to Ordinance No. 2007-23, which is a Street Vendor Ordinance.

City of St. Augustine v. Travous
Case No. CA-07-1656 (2008)

Represented the City of St. Augustine, as lead appellate counsel, and Special Counsel in a First Amendment challenge to Street Performer Ordinance, Ordinance 3-08, Section 22-10. 2008. Circuit court affirmed validity of ordinance challenged on First Amendment grounds.

Horton v. City of St. Augustine,
272 F.3d 1318 (11th Cir. 2001)

Represented the City of St. Augustine in a First Amendment facial challenge to Ordinance precluding street entertainers from performing on the oldest street in the United States. Eleventh Circuit Court of Appeals reversed preliminary injunction and awarded St. Augustine victory on appeal.

Seminole Entertainment, Inc. d/b/a Rachels v. City of Casselberry, Case No. 01-CA-248-16-P (2001)

Hired by City Manager of Casselberry as special

prosecutor in license revocation proceedings involving Seminole Entertainment, Inc., d/b/a Rachel's. Case was tried for three days after which adult entertainment license was revoked.

Silver Spurs, Inc. v. Town of Palm Shores,
Case No. 94-1218-Civ-Orl-19

Case brought by Silver Spurs challenging the constitutionality of predecessor Ordinance 85-02. Court dismissed case with prejudice after granting motion to dismiss. Silver Spurs was closed down soon after case was dismissed.

Palm Shores Multi-Media, Inc. d/b/a Showgirls v. Town of Palm Shores, Case No. 95-20010-CA

Town of Palm Shores v. Palm Shores Multi-Media, Inc. d/b/a Showgirls, Case No. 95-20167-CA-F

Companion cases in state court filed in first amendment controversy. Palm Shores sued for injunctive relief based upon current ordinances. Case settled when Show Girls agreed to close.

Silver Spurs, Inc. v. Town of Palm Shores,
Case No. 96-637-Civ-18

OTHER SIGNIFICANT
LITIGATION:

In Re the Matter of William F. Mitchell
Case No. 04-34312 (2006)

Michigan case. Retained by individual who had an approximate \$28,000 monthly obligation since 1994. Initiated litigation which ultimately led to a successful settlement of case.

State Farm Automobile Insurance Co. v. Robert Brown and Spectrum DX Services, Inc.

Case No.: 6:03-cv-1645-Orl-28KRS (2006)

Six week health care fraud case in federal court in Middle District of Florida.

In re: Robert J. Brown

Case No.: 6:05-bk-15294-ABB (2009)

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ORDINANCE PREPARATION
AND ENACTMENT:

Primary author Adult Entertainment Regulatory, Locational Ordinances, and Public Nudity Ordinance, Clay County, Florida, 2015

Represented City in a limited capacity to review Adult Entertainment Regulatory Ordinance, Adult Entertainment Locational Ordinance, and Public Nudity Ordinance, update case law for the Regulatory Ordinance, Public Nudity and Locational Ordinances, City of Fellsmere 2015

Primary author of Outdoor Public Assembly Ordinance (which also regulates large group feedings and rewrote parks and recreation ordinance), City of Melbourne, 2014

Co-author of Locational Panhandling Ordinance and Regulatory Panhandling Ordinance, City of Melbourne, 2014

Review, revision, and rewrite Adult Entertainment Regulatory and Locational Ordinances, City of Melbourne, 2013

Author, Street Vendor Ordinance, St. Augustine 2009

Author, Revised Street Performer Ordinance, St. Augustine 2009

Author Revised Parade Ordinance, St. Augustine 2009

Author, Adult Entertainment Regulatory, Public Nudity and Zoning Ordinances, Palm Bay 2008

Author, Adult Entertainment Regulatory, Public Nudity and Zoning Ordinances, St. Augustine 2007

Author, review and revisions, Adult Entertainment Regulatory and Zoning Ordinances, Town of Palm Shores 2007

Author, Adult Entertainment Regulatory, Public Nudity and Zoning Ordinances, City of Melbourne 2005

Author, City Ordinance regulating time, place, and manner of street performers on St. George Street, City of St. Augustine 2000

Ordinance ruled constitutional by the 11th Circuit Court of Appeal in the case of Horton v. City of St. Augustine, 272 F.3rd 1318 (2001); County Court for St. John's County, Judge Tinlin ruled that the ordinance was constitutional in the case of State v. Jolley. Case Nos. MM01-2333, MM01-3124 (Fla.Co.Ct. July 20, 2001)

Author, Adult Entertainment Regulatory, Public Nudity and Zoning Ordinances, Town of Pembroke Park, 2000

Author, Adult Entertainment Public Nudity, Zoning and Conduct Ordinances, Panama City Beach, 2000

Author, Zoning Ordinance regarding tattoo parlors and body piercing establishments, Panama City Beach, 2000

Author, Adult Entertainment Regulatory, Public Nudity and Zoning Ordinances, Town of Pembroke Park, 2000

Author, Adult Entertainment Regulatory, Public Nudity and Zoning Ordinances, City of Pensacola, 1999

Author, Adult Entertainment Regulatory and Zoning Ordinances, Brevard County

Author, Adult Entertainment Regulatory and Zoning Ordinances, Town of Malabar

Author, Adult Entertainment Regulatory and Zoning Ordinances, Town of Palm Shores

Review and revision, Adult Entertainment Regulatory and Locational Ordinances, City of Melbourne, 1986

Special counsel, City of Gainesville, Florida. Review of adult entertainment ordinances and settled dispute

between City and adult entertainment establishment. 1998

OTHER FIRST AMENDMENT
AND CONSTITUTIONAL LAW
EXPERIENCE, ACTIVITIES:

Presenter: "The Origin and Extent of Free Speech in the U.S." Space Coast Community Law School, 2015

Presenter: "The Death of Alternative Avenue Cases" First Amendment Lawyers' Association (FALA), Summer Meeting, Toronto 2014

Speaker/Moderator, Florida Institute of Technology Third Annual Free Speech Celebration "Live Free or Eat Free" 2014

Panelists (only private attorney) with newly elected State Attorney, Public Defender, Circuit Court Judge, Eastern Florida State College "Ethics: a Panel Discussion" 2013

Speaker/Moderator, Florida Institute of Technology "Free Speech, Free Press, Free Cookies" 2012

Chairman, First Amendment Committee, The Florida Bar, 2004 - 2006

Vice Chairman, First Amendment Committee, The Florida Bar, 2001 - 2003

Legislative Delegate, Public Interest Law Section, The Florida Bar, 2001 - 2003

Speaker, Lorman Election Law in Florida Seminar: "Bicameral Campaign Reform Act" and "The First Amendment, Campaigns and Campaign Finance Law" 2008

Speaker, First Amendment Lawyer's Association (FALA) Annual Conference: "The Elusive Promise of Mediated Settlement: How to Solve the Problem of Good Faith." 2008 San Francisco

Speaker, Florida Municipal Attorneys Association, Annual Seminar 2007, "Regulating Adult Entertainment and Sexually Oriented Businesses"

Speaker, Florida Municipal Attorneys Association, 25th Annual Seminar 2006, "Adult Entertainment Ordinance Litigation: Tips for Successfully Defending Your Adult Entertainment Ordinance."

Speaker, Paralegal Association of Florida, 30th Annual Meeting & Seminar, 2006, "First Amendment Issues: The Pledge, Prisoners, and Porn"

Speaker, The Florida Bar Continuing Legal Education and the Public Interest Law: "Sex, Law & Government" Adult Entertainment Law Symposium 2002

Speaker, The Florida Bar Continuing Legal Education Committee, 2001 "Constitutional Rights in Cyberspace" Participant, "The Great Debate - Censorship of Cyberspace" Rollins College, 1999

Speaker, Paralegal Association of Florida, 22nd Annual Meeting and Convention: "First Amendment Issues Regarding Regulation of Adult Entertainment" 1998

Speaker, Brevard Paralegal Association, "The First Amendment" - Law and the Internet", 1998

MEDIATION :

Supreme Court of Florida, Certified Circuit Court Mediator 2002 - present

Supreme Court of Florida, Certified Residential Mortgage Foreclosure Mediation Training 2010

Florida Academy of Professional Mediators, Inc. 2002- present

Federal Court Mediator by agreement between the parties in the case of Scooters & Cycles, Inc., Midwest Motorcycles Rentals and Tours, Daniel Johnson v. City

of Daytona Beach Shores, Case No.: 6:09-cv-690-Orl-28GJK

Federal Court Mediator by agreement between the parties in the case of John B. MacNeill v. James A. Yates and Amy B. Jackson/James A. Yates v. John B. MacNeill, Case No. 06:09-CV-706-ORL-31-DAB

Early Neutral Evaluator by agreement between the parties in the case of HDV Pittsburgh v. City of Pittsburgh, Case No. 2:09-cv-439

Federal Court Mediator by agreement between the parties in the case of The Oasis of Destin, Inc. and Trident-Operations, LLC v. City of Destin, Florida, Case No: 3:08-cv-00528-MCR-EMT

Federal Court Mediator by agreement between the parties in the case of 600 Marshall Entertainment Concepts, LLC v. City of Memphis and Memphis Bio-Works Foundation, Case No: 05-2865 DP

Federal Court Mediator in case of Jacksonville Property Rights Association, Inc.. et al. v. City of Jacksonville, Case No: 3:05-CV-1267-J-33MCR. 2008, retained.

Federal Court Mediator in case of Colby Cheese Corporation v. Alachua County, Florida, Case No: 1:06-CV-140-SPM-AK. 2007

Federal Court Mediator in case of Emperor's Gentlemen's Club, Inc. et al. v. City of Jacksonville, Case No: 3:05-CV-1217-J-32TEM. 2006

Federal Court Mediator appointed in case of Toy Box v. Bay County 1, Case No: 597-CV-214-SM appointed by the Honorable Stephan P. Mickle, Federal District Judge for the Northern District of Florida

Federal Court Mediator in case of White's Place, Inc. d/b/a The Gold Club v. Nathaniel Glover, in his Official Capacity as Sheriff of the City of Jacksonville, and The

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City of Jacksonville, a Florida Municipal Corporation,
Case No.97-930-CIV-J-20C appointed by the Honorable
Harvey E. Schlesinger, Federal District Judge for the
Middle District of Florida.

State Court Mediator in case of Interstate Billboards,
Inc. v. St. Johns County, Case No. CA99-58/55
appointed by the Honorable Judge Richard G.
Weinberg, Circuit Court Judge for the Seventh Judicial
Circuit of Florida

Federal Court Mediator by agreement between the
parties in the case of Café Erotica of Florida, Inc. v. St.
Johns County, Case No. 98-597-CIV-J-21C

Federal Court Mediator in case of Red Eyed Jack, Inc.
v. City of Daytona Beach, Case No.: 6:01-cv-429-Orl-
28KRS; The Boulevard Del, Inc., d/b/a Molly Brown's v.
City of Daytona Beach, Case No.: 6:01-cv-761-Orl-
28KRS appointed by the Honorable John Antoon,
Federal Court Judge for the Middle District of Florida.

BROADCASTING LAW
EXPERIENCE:

Counsel, Southern Broadcasting Corporation 1982 -
1984

Initial counsel for the construction and operation
of Channel 43 WMOD in Melbourne, Florida; did
all corporate work, contractual work, loan
documentation, litigation

Counsel, Southern Starr Broadcasting Company 1984
Initial counsel for Southern Starr Broadcasting
Company; participated in due diligence for
purchase of radio stations in Orlando, Florida
and New Haven, Connecticut; did initial
contractual work.

ADJUNCT PROFESSOR
AND GUEST LECTURER:

Florida Institute of Technology (FIT):

“Constitutional Law I” 2012, 2013, 2015

“Constitutional Law II” 2014

Rollins College:

“Computer Law and Ethics” 1995- 2002;

“From Censorship to Cyberspace: A History of
the First Amendment” 2000 - 2004

“Professional Ethics” 2002 - 2003

“Critical Approaches to Literature” 2001 - 2003

“In Search of the Divine” 2000

“Terrorism and the End of History” 1999

“Telecommunications: Regulations and Policies”
1998

“Mass Media and Telecommunications” 1997

University of Central Florida:

“Trial Advocacy” 2000

Co-Founder and Lecturer,
Internet Forum 2000, Rollins College Brevard,
1997

Visiting Lecturer, Duke University Law School Career
Day, 2000

Visiting Lecturer, Rollins College--Subject:
Intellectual Property Law, 1991; 1993

Visiting Lecturer, Internet Legal and Ethical Issues -
Florida Community College at Jacksonville, 1997

Lecturer, Florida Institute of Certified Public
Accountants -Subject: Florida Sales and Use Tax, F
Florida Intangible Tax, Florida Tangible Property Tax,
1981-1998

Lecturer, 1992 Second Annual M. E. Rinker, Sr. Tax Conference, Stetson University

Panelist, Physician Assisted Suicide, Channel 4 television, 1997

Lecturer, Florida Taxation - Jacksonville Chapter-FICPA, 1995, 1997, 1998

Lecturer, Melbourne Museum of Art and Science, "Impressionism and the Modern Viewpoint of Reality", 2002

POST LAW SCHOOL
ACTIVITIES, HONORS:

Florida Today Editorial Advisory Board 2015 - 2016

Florida Institute of Technology Law School Exploratory Committee 2012

Florida Institute of Technology Pre-Law Advisory Group (Pre-LAG) 2011 - present

Brevard Bar Foundation, President 2012 - 2013; 2008 - 2009, Board of Directors 2007 - present

Christa McAuliffe Teaching Award, 2002, Rollins College

Charter Member, American Inns of Court, Vassar B. Carlton Chapter

Law Alumni Association Board of Directors, Duke Law School

Florida International University, Accounting Honorary Society

American Arbitration Association--Arbitrator (1979 - 2002)

W.F.I.T. Community Advisory Board, 1998

LOBBYING EXPERIENCE: Special Counsel, Town of Pembroke Park retained to challenge constitutionally and politically a local legislative bill which would compel client town of 5,000 citizens to annex 15,000 unincorporated citizens against town's political will.

Result: After four years, Town defeated concerted efforts by certain legislators to merge it with surrounding community.

POLITICAL EXPERIENCE

Lorman Seminar on Election Law 2008
Orlando, Florida

General Counsel, Republican Party of Brevard County
2002 - 2012

Member, Executive Committee, Republican Party,
Brevard County 2004 - 2009

Chairman, District 5, Republican Party, Brevard
County 2005 - 2009

Republican Precinct Committeeman, Precinct 32
Brevard County 2004 - 2009

Member, Audit Committee, Republican Party, Brevard
County 2007, 2008, 2009

Co - Chairman, George Bush Reelection Campaign
Brevard County, South 2004

Co - Chairman, Jeb Bush for Reelection Campaign
Brevard County, South 2002

Republican National Lawyers Association Advisory
Council 2006 - present

Speaker, Republican Women's Network of Brevard;
"Proposed Constitutional Amendments - 2008 Ballot"
September 2008

Speaker, Space Coast Florida Republican Winners Club; "Campaign Finance Laws: What To Do and Not To Do"; February 2008

Speaker, North Brevard Republican Club "Campaign Finance Laws: What To Do and Not To Do" March 2008

Speaker, Brevard County Young Republicans Club; "The Politics of Forgiveness" 2007

Speaker, Federated Republican Women of South Brevard; "The Politics of Forgiveness" 2006

PUBLICATIONS:

"Supreme Court or Supreme Ruler" *Florida Today*, Op Ed, August 2015

"The Origin and Early Development of Free Speech in the United States" The Florida Bar Journal, October, 2002

"Regulating Adult Entertainment and Sexually Oriented Businesses" 1998; paper presented at 17th Florida Municipal Attorneys Seminar 1996

"Regulating Adult Entertainment and Sexually Oriented Businesses" 1999; The Florida Bar, City, County & Local Government Law Section, The Agenda,

"Excluding Adult Entertainment: New Hope on the Horizon" 2000 The Florida Bar, City, County & Local Government Law Section, The Agenda,

"Florida Taxation Review", FICPA publication (1980 - 1998)

"Specialization in Criminal Law", Law and Contemporary Problems, Winter 1977, Duke Law School Publication. (First student article to be accepted in this Law Journal)

RESUME
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"The Constitutionality of Congressional Retention of Power in the Trade Act 1974", Master's Thesis, Emory University Press, 1978

LAW SCHOOL WORK
EXPERIENCE:

Research Assistant, Professor Arthur Larson, Duke University, 1975 - 1977

Clerk, Ackerman, Senterfitt & Eidson; Orlando, Florida; Summer 1976

Clerk, Antoon & Clifton, Esqs., Attorneys at Law; Cocoa, Florida; Summer, 1975

Legal Aid Intern, Durham, Legal Aid Society, 1974 - 1975

LAW SCHOOL HONORS,
ACTIVITIES:

Special Editor, Law and Contemporary Problems, 1976, 1977

International Law Moot Court Board, 1977

Dean's Cup Moot Court Competition, 1976

Chairman, Duke Law Forum, 1975-1976

HONOR SOCIETIES
(College and Graduate
School)

Vice President, Omicron Delta Kappa, University of Florida, 1974

Student Liaison with Board of Trustees, Graduate Emory University, 1973

Vice President, Graduate Student Council, Emory University

Founder, Editor, Graduate Student Newspaper, Emory University, 1973

Phi Kappa Phi, 1971

REFERENCES:

References will be furnished upon request.