

Michael K. Wilensky

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Office Location: Hollywood

Michael Wilensky joined Conroy Simberg in 1980 as the firm's third lawyer, and was a named partner from 1985 through 1987. After an 11 year absence, Michael returned to the firm as an associate in 1998, and became a partner for the second time in 2004. Michael has had well in excess of 50 jury trials in various jurisdictions throughout Florida, and has argued in front of Florida District Courts of Appeal and the Florida Supreme Court. His practice has always covered a wide variety of subject matters including wrongful death claims, automobile liability, premises liability, products liability, professional negligence, and intentional tort claims.

In addition, Michael has defended insurers in first-party property damage claims and coverage matters, including fire losses, water damage, assignment of benefits, and theft.

Practice Areas:

- Automobile Litigation
- Construction Litigation
- General Liability & Casualty
- Medicare Set Aside Allocations
- Professional Liability & Services
- Products Liability
- Premises Liability
- Intentional Torts
- First Party Property & Coverage
- Class Actions

Admitted to Practice:

- All Florida State Courts, 1980
- U.S. District Court, Southern District of Florida, 1980
- U.S. Court of Appeals, Fifth Circuit, 1981
- U.S. Court of Appeals, Eleventh Circuit, 1981

Education:

- Florida State University College of Law, Juris Doctorate, 1980
- Florida State University, Bachelor of Science, *cum laude*, 1977

Honors & Awards:

- AV® Preeminent™ rated by *Martindale-Hubbell*

Speaking Engagements:

- "Rules of the Road - Auto Liability," Co-Presenter, Conroy Simberg Webinar, July 2017
- "It's All in Your Head," Co-Presenter, Conroy Simberg Claims Management Seminar, May 06, 2017



- "Medicare SVU! Identifying, Investigating & Handling Pre-Suit and Litigation Claims of Medicare Beneficiaries," Federated National Insurance Co., November 2013
- "Core Concepts in Construction Defect and Construction Site Accident Litigation," American International Group, August 2007
- "A Discussion Of The Law of Negligent Security, Joint and Several Liability and Legal Setoff's," Nationwide Insurance Company, Jacksonville, Florida, March 2006
- "Exercising Good Faith In The Claims Handling Process," Unitrin Direct Insurance Company, Tampa, Florida, January 2006

Representative Experience:

- *Victor Leon v. Guarantee Insurance Company*
 - This case was concluded in 2013 and involved allegations by a workers' compensation claimant of intentional torts including intentional infliction of emotional distress. The claimant suffered an industrial accident rendering him quadriplegic, and asserted that the carrier denied compensability of the claim for nearly two years in the hopes of causing him to suffer from a lack of care. The defense was based on the drugs in the claimant's system at the time of the accident, his use of false identification to obtain medical services at the expense of the carrier, and the assertion that all of the damages claimed resulted from the industrial accident itself and not from any alleged delay in receipt of care. The litigation included multiple appellate proceedings, extensive discovery and a variety of expert witnesses (seven for each side) on liability and damage issues. The case was resolved by direct negotiation long after multiple mediations had failed to result in a settlement.
- *Restoration Management v. Pelletier v. Lahoud & Hardan v. Executive Roofing*
 - This case was concluded in 2013 and stemmed from claims of a family that their home was rendered toxic and that they suffered personal injuries as a result of mold and/or dust mite contamination. They alleged the toxic conditions to have resulted from negligent performance of construction services by a general contractor and several of their sub-contractors causing water and moisture intrusion into the living space and air conditioning system of the home. The defenses for the sub-contractor represented were based on compliance with the standard of care applicable, compliance with the plans and specifications as prepared by the non-party design professionals, and challenges to both the science and the medicine necessary to establish causation between any alleged conditions and the alleged personal injuries. The case was concluded at its sixth mediation setting.
- *Cohen v. State Farm Insurance Companies*
 - This underinsured motorist claim was tried to verdict in 2010, then settled pending appeal. The claimant, a prominent personal injury attorney, was thrown from his bicycle and injured when an occupant of a city of Miami vehicle opened her door into the bike lane where he was riding. The jury found negligence on the driver/owner/occupant of the vehicle without comparative fault, but returned a verdict of only \$11,000 dollars for past pain and suffering in a case where plaintiff alleged the need for a total knee replacement and sought a significant "six figure" recovery.