



SHANE T. COSTELLO

Shareholder

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BOARD CERTIFIED BY THE FLORIDA BAR

Board Certified in Business
Litigation

PRACTICE FOCUS

Real Property Litigation
Litigation

Probate, Trusts & Fiduciary
Litigation

Commercial Landlord/Tenant
Eminent Domain

Bankruptcy Litigation

Land Use & Development
Rights

Trusts & Estates

EDUCATION

Georgetown University, B.A.,
2004

Florida State University
College of Law, J.D., 2009, *cum
laude*

- Judicial Clerk for the
Supreme Court of Botswana

Shane Costello is a problem solver who is dedicated to helping clients achieve their strategic business goals through the litigation process, with a focus on understanding each client's mission and delivering diligent, responsive service and practical advice that balances both legal and economic considerations.

Shane focuses his practice on litigation involving real estate and land use issues, complex commercial matters, and trust and estate disputes. His experience includes both prosecuting and defending lawsuits involving: zoning and land use issues, title and boundary issues, easements, restrictive covenants on real property, takings claims and condemnation actions, state and local permitting issues, breach of contract, non-competition and non-solicitation covenants, tortious interference with contract, fraud, breach of fiduciary duty, deceptive and unfair trade practices, corporate and partnership disputes, commercial landlord/tenant matters, and other business torts and real property issues.

He also practices in trust and estate litigation, and has handled various matters for fiduciaries and beneficiaries, including cases involving breach of trust and trustee removal, undue influence, and tortious interference with expectancy of inheritance.

In his free time, Shane enjoys outdoor activities, running, and spending time with his wife and son.

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- Journal of Land Use and Environmental Law: Articles and Notes Editor
- Journal of Transnational Law and Policy: Articles and Notes Editor
- Distinguished Pro Bono Award

BAR ADMISSIONS

American Bar Association
The Florida Bar
Hillsborough County Bar Association

HONORS

- AV Preeminent® Rating, Martindale-Hubbell Peer Review
- *The Best Lawyers in America*© (2022-2023)
- Florida Super Lawyers Rising Star (2016-2019)
- Florida Trend's Legal Elite (2020)
- Florida Trend's Legal Elite - Up and Comers (2015-2018, 2022)
- Tampa Bay Business Observer 40 Under 40 (2019)
- Thirteenth Judicial Circuit Pro Bono Lapel Pin Recipient (2015)

EXPERIENCE

Real Estate and Land Use

- Lead trial counsel for publicly traded real estate investment trust in defense of a claim to ownership of two acres of submerged land in front of client's waterfront luxury hotel property. After five-day bench trial, court entered judgment in favor of client.
- Trial counsel for owner of 12 acres of historically industrial waterfront property suitable for development of approximately 400 multi-family units, in lawsuit against railroad concerning access to the property over the railroad right-of-way. Railroad refused access for multi-family use. Obtained summary declaratory judgment in favor of client allowing access for multi-family development. Handled argument and briefing for the summary judgment hearing.
- Lead trial counsel in successful defense of title and boundary claims against real estate owner/developer's \$1 billion mixed-use development.
- Lead counsel for apartment developer bringing lawsuit against municipality for unconstitutional exactions and violation of constitutional rights of due process and equal protection in connection with apartment development. Municipality paid \$700,000 to settle the case.
- Obtained \$54 million deficiency judgment and foreclosure judgment in favor of a private lender in heavily contested foreclosure of large-scale mixed use development.
- Defended developer of a commercial retail development against claims by environmental group challenging land use approvals – after six months of litigation and on the eve of trial, environmental group voluntarily dismissed the case.
- Trial counsel for developer in two lawsuits filed in Sarasota County by objectors to client's proposed 1,100 single-family home development – both lawsuits resulted in judgment for client,

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allowing development to proceed.

- Represented commercial retail landlord in defense of lawsuit brought by tenant to invalidate radius restriction in lease – tenant agreed to pay \$1.15 million for release of the radius restriction.
- Obtained summary judgment on behalf of commercial retail landlord in defense of claims of tortious interference by tenant seeking in excess of \$750,000 in damages.
- Represented hotel owner in defense of lawsuit brought by neighboring property owner/developer to invalidate a restrictive covenant benefitting the property of the hotel owner – neighboring property owner agreed to pay \$930,000 to client hotel owner in exchange for a modification to the restrictive covenant.
- Represented national homebuilder seeking emergency writ of mandamus requiring local government building official to issue certificates of occupancy on homes. Within 11 days of filing the Petition, the Court issued the writ of mandamus and the building official issued the COs.

Commercial Litigation

- Defended manufacturing client in complex commercial arbitration involving breach of contract claims seeking approximately \$8 million in damages – arbitration panel after two-week arbitration ruled that no breach had occurred.
- Represented plaintiff investor in multi-million dollar software technology partnership dispute – obtained 100% of damages and attorneys' fees.
- Trial counsel in jury trial for defrauded investor in sale of stock in closely held corporation – recovered 100% of damages plus attorneys' fees.
- Represented political-action committee in dispute with municipality over allowing proposed amendment to city charter on the election ballot – amendment was allowed on the ballot.

Trust and Estate Litigation

- Successfully represented personal representative of \$100-plus million estate and trustee of various trusts in defending against claims against the estate and trusts in excess of \$15 million.
- Obtained dismissal of lawsuit against defendant trustee defending claims of breach of trust, breach of fiduciary duty, undue influence, duress, and tortious interference with expectancy.

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COMMUNITY & PROFESSIONAL

- Advisory Board, South Tampa Family YMCA
- Director of Community Service Projects, Georgetown University Alumni Club of Tampa Bay
- Crossroads for Florida Kids, Attorney ad litem: 2014-present
- American Bar Association
 - Vice-Chair of Alternative Dispute Resolution Committee, ABA Real Property, Trust and Estate Law Section
 - Past Chair of Young Lawyer's Division, ABA Real Property, Trust and Estate Law Section
 - Past Vice-Chair of Young Lawyer's Division, ABA Real Property, Trust and Estate Law Section
- The Florida Bar: Real Property, Probate and Trust Law Section
- Hillsborough County Bar Association: Diversity Committee

NEWS & INSIGHTS

Eighty-One Hill Ward Henderson Attorneys Cited in The Best Lawyers in America 2023 Publication
Firm News, 8.18.22

Florida Trend Names Hill Ward Henderson Attorneys to 2022 Hall of Fame and Legal Elite
Firm News, 6.29.22

Seventy Six Hill Ward Henderson Attorneys Cited in The Best Lawyers in America 2022 Publication
Firm News, 8.19.21

Shane T. Costello Attains Board Certification
Firm News, 11.10.20

Florida Trend Names Hill Ward Henderson Attorneys to Hall of Fame, Legal Elite, and Up & Comers
Firm News, 6.22.20

Shareholder Shane T. Costello Recognized As A 2019 Business Observer 40 Under 40 Winner
Firm News, 10.21.19

Shareholder Shane T. Costello Receives AV Preeminent Martindale-Hubbell Rating
Firm News, 8.30.19

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Hill Ward Henderson Elects Five Shareholders
Firm News, 1.11.19

Florida Trend Names Hill Ward Henderson Attorneys To Hall Of Fame,
Legal Elite, And Up & Comers
Firm News, 7.2.18

Hill Ward Henderson Attorneys Named 2018 Florida Super Lawyers
Firm News, 6.25.18

Florida Trend Names Hill Ward Henderson Attorneys to Hall of Fame,
Legal Elite, And Up & Comers
Firm News, 6.22.17

Hill Ward Henderson Attorneys Named 2017 Florida Super Lawyers
Firm News, 6.8.17

Hill Ward Henderson Attorney Elected To YMCA Board
Firm News, 5.16.17

Hill Ward Henderson Attorneys Named 2016 Florida Super Lawyers
Firm News, 6.15.16

Florida Trend Names Hill Ward Henderson Attorneys to Hall of Fame,
Legal Elite and Up & Comers
Firm News, 7.9.15

Shane Costello Joins Hill Ward Henderson
Firm News, 5.20.13

ARTICLES & PUBLICATIONS

- Takings Law: Compensation to Landowner for Government's Encouragement of Public's Use of Property. ABA Real Property, Trust, and Estate Law Committee Young Lawyers Division, Summer 2018 Newsletter.
- Speaking Presentation on Proposals for Settlement / Offers of Judgment for The Florida Bar – Basic Settlement and Alternative Dispute Resolution Panel, February 24, 2017.
- The Enhanced Injury Doctrine: How the Theory of Liability Is Addressed in a Comparative Fault World. (April 1, 2012.) *Defense Counsel Journal*.