

## Appellate

Our firm frequently represents clients before numerous federal and state appellate courts, preparing briefs and participating in oral argument.

Through our appellate practice, we have established precedent in many areas of law, and our cases are frequently cited by advocates and courts alike. Many of our attorneys are former law clerks for appellate and district court judges. Our representation at the appellate level is not limited to appeals for clients we represented at trial. Oftentimes we are retained by clients once an appeal is necessary, and trade associations frequently ask us to file friend of the court briefs on critical matters of Georgia law.

## Representative Matters

- We defeated most requests for relief in a preliminary injunction that challenged all of Georgia's absentee ballot voting laws. *New Georgia Project v. Raffensperger*, 1:20-CV-01986-ELR, 2020 WL 5200930 (N.D. Ga. Aug. 31, 2020). When the district court agreed with one of the six arguments proffered by the plaintiffs, the Eleventh Circuit stayed the injunction and concluded that the State had a likelihood of success on the merits on appeal. *New Georgia Project v. Raffensperger*, 20-13360-D, 2020 WL 5877588 (11th Cir. Oct. 2, 2020).
- After having the Secretary dismissed from the lawsuit, we argued as amicus for the Secretary of State of Georgia in the Georgia Supreme Court and obtained an affirmance of the Superior Court of Cobb County's decision to uphold Lt. Governor Geoff Duncan's 2018 election. *Martin v. Fulton Cty. Bd. of Registration & Elections*, 307 Ga. 193 (2019).
- On behalf of a gas marketer, we obtained the reversal of the Fulton County of Superior Court's decision to reverse a favorable decision before the Public Service Commission in *Infinite Energy, Inc. v. Marietta Nat. Gas, LLC*, 349 Ga. App. 343 (2019).
- As amicus curiae, we successfully argued that the Georgia Supreme Court should reverse a Court of Appeals and trial court ruling on the application of statutes governing Georgia's E-911 funding, which set new precedent in Georgia for issues of tax and statutory construction. *Bellsouth Telecommunications, LLC v. Cobb Cty.*, 305 Ga. 144 (2019).
- We secured an affirmance of the Superior Court of Fulton County's decision to reverse the Georgia Lottery Corporation's attempt to regulate a restaurant device manufacturer as a coin operated amusement machine. *Georgia Lottery Corp. v. Tabletop Media, LLC*, 346 Ga. App. 498 (2018).
- We obtained the reversal of a Superior Court of Fulton County's decision to dismiss an administrative appeal of a Certificate of Need decision based on the State's and opposing hospital's procedural arguments. *Doctors Hosp. of Augusta, LLC v. Georgia Dep't of Cmty. Health*, 344 Ga. App. 583 (2018).

- On behalf of residents desiring to live in the new City of South Fulton, we first obtained a declaratory judgment action against a major Georgia municipality that sought to annex territory marked for the new City of South Fulton. The Supreme Court upheld the decision unanimously in *City of Atlanta v. Mays*, 301 Ga. 367 (2017).
- *Firmani v. Dar-Court Builders, LLC*, 793 S.E.2d 596 (Ga. App. 2016) (affirming largest jury verdict in a professional negligence action in 2016 against a financial advisor whose faulty advice led to the IRS imposing back taxes and penalties against our client – a small business owner)
- *City of Dunwoody v. Discovery Practice Management, Inc.*, 338 Ga. App. 135 (2016) (affirming the superior court's reversal of the City's Zoning Board of Appeals decision to deny our client's petition to open a residential treatment center)
- *Brock Built, LLC v. Jones*, Georgia Court of Appeals, Nov. 11, 2016 (affirming seven-figure jury award to client for breach of contract)
- *Georgia Dept. of Behavioral Health and Developmental Disabilities v. United Cerebral Palsy of Georgia*, 298 Ga. 779 (2016) (unanimously reversing decision of Court of Appeals of Georgia to decide that Medicaid beneficiaries and providers had to exhaust administrative remedies, even if they alleged the process was flawed).
- *Gebrekidan v. City of Clarkston*, 298 Ga. 651 (2016) (unanimously reversing superior court decision that allowed local government to interfere with placement of coin operated amusement machines) (filed Amicus brief and partially argued).
- *All Star, Inc. v. Georgia Atlanta Amusements*, 332 Ga. App. 1 (2015) (reversing superior court decision that 2013 legislation invalidated contracts in regulated industry).
- *Hausmann v. Ferdinand*, Georgia Court of Appeals (2015) (affirming summary judgment that Fulton County Commissioner could proceed against Tax Commissioner on retaliation claims).
- *LabMD v. Savera*, 331 Ga. App. 463 (2015) (deciding trial court abused its discretion when awarding attorneys' fees without setting off amounts paid by insurance and prior settlement) (did not serve as trial counsel).
- *Kaufman Development Partners, L.P. v. Eichenblatt*, No. A13A1123 (Ga. App. 2013) (affirming jury verdict in favor of our client on a breach of contract claim that he had against his former business partner)
- *Uwork.com, Inc. v. Paragon Technologies, Inc.*, 740 S.E.2d 887 (Ga. App. 2013) (obtained 5-2 decision in favor of client and reversing the decision of the trial court on claim for breach of fiduciary duty)
- *BLD Productions, LLC v. Remote Productions, Inc and Viacom Incorporated dba MTV Networks*, Appeal 12-1763 (2d Cir. Jan. 30, 2013) (representation of an entertainment production company in a lawsuit over distribution rights to an Aretha Franklin concert)
- *Palmyra Park Hosp. Inc., v. Phoebe Sumter Medical Center*, 310 Ga.App. 487 (2011) (reversing trial court's denial of Certificate of Need under new law)
- *Fine v. Communications Trends, Inc.*, 305 Ga. App. 298 (2012) (successful challenge to nonsolicitation covenant and trade secret claims)
- *Jones v. White*, 311 Ga. App. 822 (2011) (fraud, unjust enrichment and contract claims in commission claims upheld on behalf of joint venture partner)

- *Arko v. Cirou*, 305 Ga. App. 790 (2010) (successful defense of borrower client against efforts by lender to establish personal liability)
- *Sampath v. Immucor, Inc.*, 271 Fed.Appx. 955 (11th Cir. 2008) (affirmance of summary judgment against pregnancy discrimination claim)
- *AT&T Mobility, LLC v. NASCAR*, 494 F.3d 1356 (11th Cir. 2007) (successful defense of NASCAR in intellectual property dispute involving race car logos)
- *Spurling v. The Forestland Group, LLC*, 2006 U.S. App. Lexis 17079 (6th Cir. 2006) (commercial brokerage litigation; trial victory affirmed)
- *All Fleet Refinishing, Inc. v. West Georgia National Bank*, 280 Ga. App. 676 (2006) (successfully represented bank in defeating RICO and fraud claims)
- *Broadcast Concepts, Inc. v. Optimus Financial Services*, 274 Ga. App. 632 (2005) (upholding of \$1 million trial verdict)
- *Fulton-DeKalb Hospital Authority v. Reliance Trust Co.*, 270 Ga.App. 822, 608 S.E.2d 272 (2004) (upholding summary judgment and rejecting new cause of action against healthcare professionals)
- *Equifax v. 1600 Peachtree, LLC*, 268 Ga. App. 186 (2004) (representation of landlord in complex guaranty litigation)
- *Baptist Convention of the State of Georgia v. Shorter College*, 279 Ga. 466 (2004) (successful representation of dissenting trustees of non-profit institution)
- *O'Neal v. Home Town Bank of Villa Rica*, 237 Ga. App. 325 (1999) (established libel cause of action for out-of-court publication of legal pleadings)
- *Hill v. Atlanta Life Ins. Co.*, 988 F.2d 1218 (11th Cir. 1993) (dismissal of securities tender offer against our insurer client affirmed)
- *Owens v. Storehouse, Inc.*, 984 F.2d 394 (11th Cir. 1993) (precedent-setting ERISA issue; dismissal of claims against our employer client affirmed)
- *Amdahl Corp. v. Ga. Dept. of Administrative Services*, 260 Ga. 690 (1990) (case of first impression; established right of aggrieved bidders to challenge government procurement actions)