LITIGATION AND DISPUTE RESOLUTION

We win high-risk cases in claims spanning the entire spectrum of business litigation. With more than 70 experienced attorneys in our litigation practice, we bring the resources that are necessary to prevail in any matter. We regularly represent both defendants and plaintiffs in state, federal and appellate courts across the country and have tried hundreds of cases to successful verdicts on virtually every type of claim.

While we are always prepared to go to trial, we recognize that often the best resolution is to avoid litigation or quickly resolve disputes at the outset. Working with our corporate attorneys, many of whom served as general counsel at major corporations and are experienced at applying cost/benefit analyses to litigation, we often craft settlements before disagreements escalate into costly court battles. Some of our best work is designed to keep you out of trial, through negotiations, alternative dispute resolution, and summary judgment, as well as the pursuit of injunctions, declaratory judgments and other creative forms of relief.

ANTITRUST

Businesses face scrutiny of their competitive practices from antitrust agencies at the state, federal and international levels. We guide you through pre-merger notifications, merger analysis, pricing and other issues that draw the attention of regulators. We have hands-on experience with the economic analyses frequently required in antitrust matters, and have worked with experts who include Nobel-prize winners and former senior economists for governmental agencies. Both plaintiffs and defendants have relied on us in civil antitrust litigation (including class actions), governmental investigations and administrative actions. Among other matters, we have successfully defended a Fortune 500 company in class-action price-fixing claims, a major health care organization accused by a competitor of antitrust violations, a boutique investment bank accused of state antitrust violations, and a major electronic payment processing organization in connection with a governmental investigation.

APPELLATE

Although many cases get resolved through settlement or judgment in the underlying litigation, often a party is dissatisfied with the result it achieves and therefore files an appeal. In those instances, we have experienced litigators who know what it takes to successfully prosecute and defend such appeals, in both state and federal appellate courts. Several of our litigators have themselves served as clerks at various appellate courts, including the Federal and Eleventh Circuit Courts of Appeals.

ARBITRATION AND MEDIATION

Many of our attorneys are registered arbitrators and mediators, and bring that experience to bear when resolving cases as efficiently as possible for clients. We guide clients through an analysis of whether ADR is the best strategy for resolving a claim and also advise on whether it is appropriate to include mandatory arbitration clauses in contracts.

BUSINESS TORTS AND COMMERCIAL CONTRACT DISPUTES

We resolve business and commercial disputes of all types, including cases involving breach of contract or warranty, fraudulent conveyances, non-competes and other restrictive covenants, defamation and interference with contractual or business relations.
CATASTROPHIC INJURY

We have defended the full gamut of high-stakes personal injury claims, including wrongful death and severe injuries that resulted in life-long disabilities, such as quadriplegia, paraplegia, and permanent brain damage. In cases of clear liability, we find creative ways to address damages, such as the retention of experts to assess annuities and life expectancy, and specialized motions. Our litigation team often is called in to assist other firms in the trial phase of litigation, and we have achieved successful outcomes in cases where injured plaintiffs asked for tens of millions of dollars. In defending such claims, we have represented product manufacturers and distributors, health care providers, property owners, trucking companies and owners of fleet vehicles, food manufacturers and distributors, and construction companies, among others, in matters ranging from trucking and motor vehicle accidents, product liability matters, medical negligence claims and work place accidents.

CLASS ACTIONS

Class and collective employment actions exponentially raise the stakes for business defendants. They are inherently more complicated in every phase of litigation, including settlements. We have been on the front lines in defending class and collective litigation in federal and state courts and arbitrations across the country, in matters involving a wide variety of industries and business sectors. In many cases, we have defeated class certification early in litigation, and we effectively manage the costs of electronic discovery. Just as important, we work with our clients to avoid class and collective actions through pre-litigation waivers where possible.

CONSTRUCTION

We frequently are called on to resolve disputes that arise on construction projects in state and federal courts across the nation, including lien claims, bond claims, delay/disruption claims, and defective construction claims. More than 50 of our attorneys work extensively in litigation, and they are sensitive to discovery and other costs. Our clients have included contractors as well as their insurance companies, and in all cases we seek to mitigate matters before they reach the courtroom. We have extensive experience in alternative dispute resolution but also are prepared to go to trial in those matters where a timely agreement cannot be reached.

CONSUMER LAW

Our attorneys help companies assess their exposure and remedies when they are the target of consumer complaints that allege violations of federal, state or local laws. Our familiarity with consumer protections enforced by the various state attorneys general allows us to seek early mitigation of these claims. We have experience handling claims investigations and defending litigation involving claims brought under the following federal and state laws, as well as other analogous statutes:

- Children’s Online Privacy Protection Act,
- Consumer Credit Protection Act,
- Consumer Leasing Act,
- Deceptive Trade Practices Act Claims,
- Electronic Funds Transfer Act,
Litigation and Dispute Resolution

- Equal Credit Opportunity Act,
- Fair Credit Reporting Act,
- Fair Debt Collection Practices Act,
- Georgia Fair Business Practices Act,
- Telephone Consumer Protection Act, and
- Truth in Lending Act.

CREDITORS’ RIGHTS AND BANKRUPTCY

We routinely represent creditors and financial institutions, including national, local and community banks, in bankruptcy, commercial and business litigation, lender liability claims, participation disputes and litigation, receiverships, assignments for the benefit of creditors, financial workouts, secured transactions, and commercial lending. In addition, we represent the FDIC and financial institutions as assignees and successors in interest to the FDIC in connection with the administration of loans, financial workouts, bankruptcy, troubled asset management, and the related commercial litigation.

DEFAMATION CLAIMS

We have represented both plaintiffs and defendants in defamation actions, and we advise clients on how to balance First Amendment protections with reputation safeguards. We are especially familiar with the oft-misunderstood SLAPP (Strategic Lawsuit Against Public Participation) suits, which are lawsuits that are used to chill First Amendment rights to free speech and public participation in public policy.

E-DISCOVERY

Our attorneys are skilled in managing investigations and litigation matters involving large volumes of electronically stored information ("ESI"). The firm has an e-Discovery Committee, which has developed and implemented an internal e-Discovery Protocol with the goal of leveraging early case assessment techniques and other best practices to maximize efficiency of identification, preservation, collection, and production of ESI and minimize associated costs. As part of this protocol we have partnered with vendors who are expert in the handling of ESI and who have implemented state-of-the-art procedures for the protection of our clients’ sensitive data.

One of our attorneys is a founding co-chair of the e-Discovery and the Use of Technology Section of the Georgia Bar, which develops programming to educate and train Georgia lawyers across practice areas about all facets of legal technology and e-discovery, including the tools and applications; best practices and procedures; applicable rules and laws; and ethical considerations.

EDUCATIONAL INSTITUTIONS AND YOUTH-SERVING ORGANIZATIONS

Colleges and universities are frequent targets of lawsuits arising from a wide variety of disputes, from highly charged First Amendment controversies to basic controversies which naturally arise while doing the “business” of higher education. Our team of litigators have extensive experience in virtually every area of the law. We focus on achieving favorable resolutions through negotiations and pre-trial motions for summary judgment or alternative dispute resolution, but when matters must go to the courtroom our team has the experience...
gleaned from taking hundreds of cases to verdict. Many of our litigators spent years as trial attorneys at Am Law 100 firms, and they now exercise those skills at our firm, where they can offer clients a value model that is sensitive to costs.

Likewise, Taylor English’s Youth-Serving Organizations group is dedicated to protecting and enhancing our clients’ passion for service. Our attorneys use their industry experience to help safeguard each client’s ability to pursue its mission and in turn serve its own clients.

We regularly advise day care centers, camps, mentoring organizations, non-profits, schools and social welfare organizations that work with young people.

We understand that our clients face legal issues unique to their mission. Our attorneys frequently work with organizations to meet their social and financial goals by providing legal counsel on the following matters:

- Compliance with state laws and licensing standards,
- Defense of personal injury and abuse claims,
- Contract disputes, defamation claims and other litigation.

ELECTION AND CAMPAIGN LAW

Once a cyclical topic in the media, election and political news today all but dominates headlines. From aspiring politicians to businesses and policy advocates, understanding the nuances of local election and political scenes remains a critical step. Through our extensive familiarity with redistricting, campaign finance, and the nuts and bolts of election administration, we provide proactive strategies for continued success.

We work closely with state and local government leaders and have the national campaign experience and lobbying background that gives us insight into the current political landscape. We help clients with campaign finance compliance, uphold voter integrity for elections and provide counsel on processes with the goal of avoiding litigation. As a full-service partner, our election and political law group works in tandem with in-house practice groups in corporate law, labor and employment law, and intellectual property. The goal: to merge experience with efficiency to support those individuals and organizations looking to engage in the political process.

ENTERTAINMENT, SPORTS & MEDIA LITIGATION

Entertainment covers a lot of ground, from stadium sporting events to film and television to music to tablet video games. We have seen the legal side of all aspects of entertainment, and our team brings different legal disciplines together to support clients in every facet of their entertainment enterprises. The working relationships among the attorneys who contribute to this practice set the table for fast, creative responses. Our clients include recording artists, writers, performers, athletes, record labels, producers, managers, authors and others in the entertainment industry.

One of our litigators has served as Chair of the Entertainment and Sports Law Section of the State Bar of Georgia and Chair of the North American Entertainment Sports & IP Law Summit. He also received the Georgia Lawyers for the Arts (GLA) Ben White Distinguished Service Award for his "outstanding commitment and dedication to the arts community in Georgia," was recognized as Attorney of the Year in 2014 by Georgia Lawyers for the Arts, and is a member of The Recording Academy (the Grammy organization) and NATAS (the
ENVIRONMENTAL AND TOXIC TORTS

We work closely with in-house counsel, environmental managers and consultants to address a wide scope of environmental matters. In those environmental matters that involve government enforcement action or private party litigation, clients count on us to develop and implement a litigation strategy that gives rise to a sound and cost-effective outcome.

Our lead environmental litigators each have more than 30 years of experience counseling clients on environmental regulatory matters and representing them in criminal and civil litigation involving chemical contamination and other environmental violations.

INSURANCE COVERAGE

Corporations rely on us for risk management assessment and, in particular, determinations regarding whether their policies adequately protect them. We advise businesses and insurance companies on every aspect of coverage.

We offer coverage opinions and disclaimers of coverage, as well litigation and settlement strategies when businesses have disputes with their insurers. Insurance companies call on us for interpretation of policies and their application to disputes, and we represent them in all aspects of litigation. We staff our cases in the most efficient manner possible and we understand the financial impact of litigation on clients and their desire to resolve disputes as early as possible on the best financial terms.

The American Bar Association (ABA) has recognized our experience in insurance matters. One of our lawyers participated in the ABA subcommittee that revised the Comprehensive General Liability Policy (CGL), with special emphasis on rewriting the “sudden and accidental” pollution exclusion and related changes to the absolute pollution exclusion, which is now standard in most CGL insurance policies. One of our lawyers was a Vice Chair of the Torts and Insurance Practice Section (TIPS) and is a frequent author and speaker at continuing legal education seminars on the subject of insurance coverage.

While our insurance coverage practice extends to virtually every type of property, casualty and commercial coverage matter, we have developed a particular depth of experience in the following areas of personal and commercial lines:

- Additional insured coverage, and rights of indemnification and contribution,
- First- and third-party property claims, and construction defect/faulty workmanship claims,
- Directors and officers liability,
- Employers liability,
- Intellectual property,
- Advertising injury coverage,
- Professional liability coverage,
- Excess and re-insurance coverage,
- Environmental liability and toxic tort coverage including asbestos,
Errors and omissions, and
Disputes among insurers.

INTELLECTUAL PROPERTY

Obtaining the highest-quality legal counsel is a must when dealing with disputes over intellectual property. At Taylor English, our unique platform allows us to offer such top-quality talent at a tremendous value for high-stakes IP matters. Our IP litigation team boasts a number of former AmLaw 100 attorneys, former judicial clerks from the U.S. Courts of Appeals for the Federal Circuit and the Eleventh Circuit, and attorneys with technical degrees and significant industry experience. As one testament to our approach, litigants have selected Taylor English to be their counsel in more than 10 percent of all patent infringement cases filed in the U.S. District Court for the Northern District of Georgia since January 2016. If you consider only the cases that actually moved forward, where both sides made an appearance, our representation rises to more than 15 percent of patent cases.

Clients trust us with all types of IP disputes. We have efficiently resolved and won complex utility and design patent infringement cases, inventorship disputes, post-grant proceedings in the USPTO such as Reexaminations, Inter Partes Reviews and Covered Business Method Reviews, trade secret matters, and licensing disputes. We have successfully handled trademark and trade dress infringement cases, trademark opposition and cancellation proceedings in the USPTO, and cases involving trademark dilution, counterfeiting, unfair competition, defamation, domain name cybersquatting, and false advertising. We have also achieved great results for our clients in copyright infringement cases dealing with all kinds of works, including music, movies, screenplays, videos, photographs, artwork, literary works, websites, databases, educational products, maps, and software. Some of our recent engagements, which are highlighted on our Experience page, illustrate the depth and breadth of our IP litigation practice.

Although headquartered in Atlanta, Georgia, our IP attorneys litigate in courts throughout the country. We represent clients at all levels of the federal and state court systems and in all the other key venues for resolving IP disputes. We have experience before courts in Georgia, Florida, Tennessee, South Carolina, North Carolina, Texas, California, Utah, Delaware, New York, New Jersey, Massachusetts, Connecticut, Kansas, Virginia, and Wisconsin, to name a few. In addition to our successes in federal-district and state court, we have won IP cases on appeal, including at the Federal Circuit and Eleventh Circuit, in administrative proceedings at the Patent Trial and Appeal Board and the Trademark Trial and Appeal Board, and at trial in the International Trade Commission.

Our value-driven model allows us to represent businesses of all sizes – from Fortune 500 companies to startups – as well as solo inventors and individuals, to protect their valuable IP assets or defend against claims of IP infringement or misappropriation. We work with all our clients to understand their goals for each particular matter, minimize litigation risks, achieve optimal results, and manage litigation costs. In short, we strive to give clients the information they need to anticipate and manage IP litigation costs like their other business expenses.

LENDING, WORKOUT AND FORECLOSURE

We have extensive experience working with troubled loans and guiding financial institutions through the workout and foreclosure process. Our transactional and litigation team members come together to provide strategy and guidance to determine whether foreclosure, litigation or workout—or a combination of these
approaches—is the right strategy. We craft and negotiate forbearance agreements, loan modification documents and collateral substitution documents. Beyond the workout, we efficiently manage all of the steps in foreclosure sales and proceedings, litigate deficiency suits against borrowers and guarantors, and provide effective bankruptcy representation.

PREMISES LIABILITY

Our litigators advise property owners on their duty to keep their premises reasonably safe from negligent acts, as well as intentional and criminal acts committed by third parties. Nonetheless, when incidents do occur, we have represented stores, schools, malls, restaurants and hotels, as well as individuals, in allegations involving negligent security, slip and falls, dram shop violations, negligent maintenance and negligent property management.

PRODUCT LIABILITY

Manufacturers who have experienced product claims understand the need for a firm that has the experience to make an early assessment of the potential exposure from a claim and can either resolve it in a cost-effective manner without undue publicity, or fight strenuously for vindication of the product. We guide clients to a successful resolution drawn from handling numerous matters for both claimants and manufacturers. Our attorneys also are experienced in preservation of evidence, which is a key component in most product liability cases, and we provide risk management services to clients who face these types of claims.

The Taylor English Product Liability group consists of experienced trial attorneys, appellate advocates and former in-house counsel with a track record of success in product-related disputes and litigation.

As a group, we believe in proactive case assessment and management as a means of placing our clients in the strongest position possible and providing them with the information needed to make sound risk management decisions. To accomplish this, we work directly with our clients to conduct thorough internal investigations, secure expert analysis where needed, and map out a plan to resolution that is consistent with the client’s business and risk management objectives. Our goal is always to align ourselves with our clients to overcome the challenges presented.

Our product liability experience is both varied and deep, having represented clients on a local, regional, and national basis. Our attorneys represent manufacturers, distributors, and retailers in most major industries, including the aviation, automotive, building products, consumer products, plant equipment, electronics, chemical and pest control, medical device, and pharmaceutical industries, in both consumer-driven litigation and business-to-business disputes. Examples of product liability matters handled by members of our group include: asbestos, aircraft and aircraft components, vehicles and tires, industrial machines, medical devices, pharmaceuticals, dietary supplements, pesticides, power tools, and a variety of consumer products.

Members of our product liability team have achieved favorable outcomes for our clients through the effective use of expert testimony and challenges to opposing experts under Federal Rule of Evidence 702, Daubert v. Merrell Dow Pharmaceuticals, and similar state procedures.

As a product liability team, we provide our clients with:

- Early assessment claim investigation and containment counseling,
- National and regional case management services,
Litigation and Dispute Resolution

- Strategic litigation initiative services,
- Litigation, trial and appellate representation, and
- Advice and counseling on legal aspects of sales contracts, product warnings and labeling, product recalls and CPSC compliance and reporting issues.

And in doing so, our attorneys have:

- Served as national coordinating counsel for a Fortune 500 consumer product manufacturer, managing all toxic tort and product liability claims nationwide,
- Served as regional and national counsel for a major national pest control services provider, handling all aspects of defense of chemical exposure claims from discovery through trial, arbitration, and appeals,
- Served as in-house and outside counsel for a leading building materials manufacturer managing the defense of that company’s asbestos litigation nationwide, from inception through trial,
- Served as lead warranty counsel for a major auto distributor for the defense of warranty actions in Georgia,
- Served as Daubert counsel and a member of the national trial team for a latex glove manufacturer, and
- Defended aircraft and aircraft component part manufacturers in catastrophic injury and wrongful death claims arising out of aircraft accidents.

PROFESSIONAL LIABILITY

Doctors, nurses, lawyers, accountants, engineers, architects, nursing home staff, and other professionals have a legal duty to exercise a degree of care, skill, and diligence. We represent individuals or groups caught up in allegations of malpractice, and we work to achieve solutions that minimize financial damages while preserving professional reputations. A big part of our practice is educating clients on best practices designed to reduce their risks.

SECURITIES LITIGATION AND RICO ACT CLAIMS

Our securities litigation team maintains ongoing expertise in the state and federal laws governing the rights and duties of issuers, sellers, brokers, dealers, underwriters, purchasers, clearing houses and exchangers of securities. Our lawyers have acted in numerous matters on behalf of corporations that have been victimized by embezzlers. We have used RICO remedies in business torts claims litigated among shareholders in closely held companies.

SHAREHOLDER DERIVATIVES SUITS, DIRECTOR AND OFFICER LIABILITY, AND CORPORATE GOVERNANCE

In the areas of shareholder derivative actions, D&O claims, and corporate governance matters, the experience of our litigators is complemented by attorneys who have served as corporate general counsel, and have practical experience regarding the legal duties and responsibilities of officers, directors, managers and partners of business entities. We have been retained by public and non-public companies to conduct internal investigations into alleged wrongdoing. And we have represented former directors and officers accused of corporate waste, securities fraud, breach of fiduciary duty and other claims.
PRACTICE HIGHLIGHTS

FDIC professional liability investigations, as receiver for four Georgia-based banks. Directed investigations into potential professional liability claims associated with the failures of four state-chartered banks in Georgia from 2006 to 2014. The investigations included examination of the conduct of bank directors, officers, lawyers, accountants, appraisers, engineers, architects, and other professionals, as well as the assertion of claims in connection with bankers’ bonds. Claims against directors and officers in two of the matters were settled in mediation prior to filing suit, and a bond claim was also settled prior to litigation. In 2013, upon completion of an investigation, the firm filed suit on behalf of the FDIC against former directors and officers of Darby Bank & Trust Company in the U.S. District Court for the Southern District of Georgia in Savannah, seeking more than $15 million in damages. The case remains pending and is in discovery.

Successful defense in major arbitration involving alleged breach of asset purchase agreement. Led team defending EMS in arbitration in which claimant sought in excess of $40 million for alleged breach of representations and warranties in connection with its acquisition of a division of EMS. After a two-week hearing, the Arbitrator found for EMS on one of the products in issue and awarded only a fraction of the damages alleged by claimant on the other two products.

ACLU action against Atlanta Public Schools. Represented Atlanta Public Schools in favorably resolving a class action brought by the ACLU that raised federal and state constitutional and statutory claims with respect to the adequacy of education, procedures for assigning and disciplining students, and search practices at alternative high school.

Challenges to airport commercialization. Represents citizens in numerous judicial challenges to an attempt by Paulding County and outside investor groups to expand the Paulding County Airport to include commercial passenger service in competition with Atlanta Hartsfield Jackson Airport. Lawsuits include challenges to funding of the airport, open meeting violations, violations of Federal Aviation Administration procedures (representation as co-counsel), injunction hearings and Georgia Supreme Court proceedings. Matter has significant importance to citizens, public interest groups, environmental groups and the entire metropolitan Atlanta area.

Negligent security case regarding Metropolitan Atlanta Rapid Transit Authority (MARTA). Recovered $2.4 million from MARTA for the attack and kidnapping of a patron from a MARTA parking deck.

Bagley v. Beville, et al.; Bagley v. Locke Lord LLP. Represented the liquidating trust of a bankrupt Real Estate Investment Trust based in Las Vegas, Nevada, in suing the former directors and officers of the REIT (and other parties) for breaches of fiduciary duty and negligence in the United States District Court for the District of Nevada and for avoidance and recovery of preferential and fraudulent transfers in the United States Bankruptcy Court in the same district from 2012 to 2014. The firm filed three lawsuits, and all three were settled in 2014 after extensive investigation and discovery. Details of the settlements are confidential.

Defense of consumer fraud actions. Defended termite service provider in state court actions in Florida, Georgia, Tennessee, and South Carolina involving allegations of consumer fraud and violations of state
consumer protection statutes. Successes include defeat on appeal of class certification in consumer class action asserting claims of consumer fraud and violations of Georgia Deceptive Trade Practices Act.

**Successful resolution of trade secret and breach of loyalty case.** Led defense of claims of misappropriation of trade secrets and breach of loyalty in connection with departure of group of employees and establishment of competitive business. The parties reached a confidential settlement. *Wells Fargo Foothill, Inc. v. Cratos Capital Partners, LLC.*

**Multimillion-dollar premises liability case.** Obtained dismissal with prejudice from court in premises liability case in which plaintiff’s experts alleged $15 million in long-term medical needs.

**Defense of wrongful death and personal injury claims.** Assisted client in investigation of claims for wrongful death and traumatic injury arising out of an industrial explosion. Conducted risk assessment and early case evaluation and negotiated favorable pre-suit settlements through mediation.