
MICHAEL S. FRENCH

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Practice Areas:

Mr. French practices in the following areas:

Class and Collective Action Litigation
Complex Commercial Litigation
Intellectual Property and Trade Secrets
Insurance Coverage
Real Estate Litigation
Arbitration (Certified Arbitrator)

Representative Matters:

- Represented private equity fund and shareholders of investment company in a two-week jury trial against international law firm, winning a \$4.7 million verdict. The case involved allegations that law firm had committed malpractice and breached fiduciary duties by giving the fund bad tax advice and then failing to disclose that error to the fund and the shareholders.
- Represented major cable television company in litigation brought by contractor relating to an indemnity obligation. Obtained summary judgment at the trial court level as to all of the plaintiff's claims and prevailed on appeal before the Eleventh Circuit Court of Appeals.
- Defended a major cable television company in a Telephone Consumer Protection Act class action in Texas. Obtained a complete dismissal of all of the plaintiff's claims based on an arbitration agreement between the parties.
- Represented physician practice group on appeal from certification of a class of former patients. Obtained complete reversal of trial court's class certification order.
- Defended major cable television company in a consumer fraud class action in Minnesota. In a ruling of first impression, obtained a complete dismissal of all of the plaintiff's claims based on the application of the filed rate doctrine. Dismissal was upheld on appeal by the United States Court of Appeals for the Eighth Circuit. These decisions were the first in the country to hold that the filed rate doctrine applies to regulated rates for cable television service.

- Represented international consulting company in class action brought under Americans with Disabilities Act and ERISA by former consultant. Prevailed on motion to dismiss prior to discovery or class certification.
- Represented a major insurance company in action brought in federal court by a previously certified class of individuals who had taken an assignment of certain claims for indemnity against insurer from a third party as part of a class action settlement. Convinced the court not to exercise supplemental jurisdiction over the claims asserted by the class against insurer and obtained complete dismissal of the action. When the case was refiled in state court, obtained complete dismissal of plaintiff's claims on the merits.
- Represented regional shipping company in antitrust class action involving allegations of price fixing relating to fuel surcharges. Obtained voluntary dismissal of claims asserted by plaintiffs against client.
- Represented mortgage bank in a breach of contract and breach of fiduciary duty class action brought by borrowers who claimed that the bank unlawfully required its borrowers to maintain excessive escrow deposits for the payment of taxes and insurance. Obtained judgment on the pleadings and a full dismissal of all claims prior to any discovery or class certification.
- Defended an international web hosting company in a class action regarding alleged violations of the Telephone Consumer Protection Act and defeated plaintiffs' motion to certify class.
- Defended Retained to represent major personal computer manufacturing company after a class action was conditionally certified against the client pursuant to the Fair Labor Standards Act. After a full certification hearing, convinced the court to decertify the class.
- Defeated a motion for class certification and obtained voluntary dismissal of all claims asserted by plaintiff on behalf of the putative class in a proceeding against debt collector brought under the Fair Debt Collection Practices Act.
- Defended a major cable television company in a multi-million dollar fraud and deceptive trade practices class action. Obtained a complete dismissal of all of plaintiffs' claims prior to any discovery or class certification.
- Defended a debt collector in two class actions brought under the Fair Debt Collection Practices Act. Obtained a judgment as a matter of law in favor of debt collector, prior to class certification or discovery, of all of the claims asserted by plaintiffs on behalf of the putative classes.
- Defended a major cable television company in a multi-million dollar Fair Labor Standards Act class action. Obtained summary judgment, after bifurcated discovery, with respect to all of the named plaintiffs' claims prior to class certification.
- Defended an international web hosting company in a Fair Labor Standards Act class action. Obtained a dismissal, prior to class certification or discovery, of all of the claims asserted by plaintiff on behalf of the putative class.

- Obtained judgment as a matter of law on Lanham Act and false advertising claims brought against a national publishing company during a jury trial in the United States District Court for the Southern District of Florida.
- Defended a multinational company in a securities class action. Obtained a complete dismissal of all claims prior to class certification.
- Defended a life insurance company in a breach of contract class action. Obtained summary judgment with respect to all of plaintiff's claims prior to class certification.
- Defended animal pharmaceutical company in patent litigation in which patent holder sought to have client held in contempt of court due to alleged violation of injunction against infringement. Obtained denial of motion for contempt following bench trial on allegations of contumacious conduct.
- Defended major cable television company in action brought by telemarketer in New York seeking access to client's customer data under the Telecommunications Act and applicable regulations imposed by the Federal Communications Commission. Defeated motion for preliminary injunction following full evidentiary hearing and obtained voluntary dismissal of plaintiff's claims.
- Represented baby food manufacturer in litigation against packaging company and package manufacturer seeking recovery for damages sustained as a result of product recall. Defeated multiple motions to dismiss and obtained favorable settlement for client.
- Represented a clothing designer in various trademark infringement and unfair competition actions. Obtained civil seizure orders and executed seizures along with United States Marshals in two trademark counterfeiting cases.
- Obtained a judgment after a bench trial against an international duty-free company in the United States District Court for the Southern District of Florida for trademark counterfeiting.
- Defended a Fortune 50 company in a multi-million dollar fraud and breach of contract class action. Obtained a complete dismissal of all of the plaintiff's claims prior to class certification.
- Defended a chemical manufacturer in a class action brought by local residents arising from various chemical releases. Defeated motion for class certification and obtained voluntary dismissals of all of plaintiffs' claims.
- Represented a Fortune 50 company in connection with claims for computer theft and unfair competition arising from misuse of the Internet. Obtained a permanent injunction and a judgment against the defendant.
- Defended a major insurance company in a multi-million dollar fraud class action. Obtained summary judgment with respect to all of the plaintiff's claims.
- Represented a concrete formulator in a four week patent infringement trial in the United States District Court for the Northern District of Georgia. Obtained a jury

- verdict in favor of the patent holder and a finding of willful infringement of two patents by the defendant.
- Served as national coordinating litigation counsel for a major carpet manufacturer in connection with its effort to withdraw from over 100 commercial leases across the country. Managed litigation arising from the client's withdrawal from these leases.

Education:

Duke University School of Law, Durham, North Carolina
J.D., *cum laude*, 1990

Honors:

Duke Moot Court Board
Finalist, Dean's Cup Moot Court Competition

Duke University, Durham, North Carolina
B.S., *cum laude*, 1987

Professional Activities:

- Consistently recognized as one of Georgia's "Super Lawyers" by *Atlanta Magazine* from 2005 to the present
- Recognized by *Atlanta Magazine* as one of Georgia's Top 100 "Super Lawyers"
- Member of the Intellectual Property Law and Litigation Sections of the American Bar Association
- Member of the Editorial Board for the American Bar Association's Trade Secret Handbook for Franchise and Distribution Companies
- Co-chair of the American Bar Association's Subcommittee on Inevitable Disclosure of Trade Secrets (2004-2005)
- Co-chair of the American Bar Association's Subcommittee on the Use of Contracts to Protect Trade Secret Rights (2006-2007)

Bar and Court Admissions:

- State Bars of Florida and Georgia
- Admitted to practice in the United States Court of Appeals for the Eleventh and Eighth Circuits, the United States District Courts for the Northern, Middle and Southern Districts of Georgia, the Northern, Middle and Southern Districts of Florida, and the Eastern District of Wisconsin, the Supreme Court of Georgia and the Georgia Court of Appeals