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## MICHAEL S. FRENCH

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WARGO & FRENCH LLP  
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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  
Arbitration – Certified Arbitrator

### **Representative Matters:**

- Representing major retailer in managing outside counsel in class action and hundreds of individual actions arising from allegedly defective product and property damages claims.
- Representing international chemical company as national coordinating counsel for portfolio of asbestos and products liability matters.
- Represented major petroleum company in products liability action resulting from propane gas explosion in apartment complex. Obtained favorable settlement for client following limited discovery.
- Represented major animal pharmaceuticals company in products liability class action brought by consumers in New Jersey, and in insurance coverage litigation arising therefrom. Negotiated favorable settlement class claims and insurance coverage claims.
- Represented major carpet manufacturer in products liability class action in Georgia. Succeeded in defeating class certification.

- Represented pharmaceutical company in multiple product liability actions relating to pain medication. Obtained summary judgment based on federal regulatory preemption.
- 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 insulation manufacturer in asbestos litigation matters. Deposed over a hundred plaintiffs with respect to their claims, including their alleged exposure to asbestos, personal injuries, diagnoses and medical treatment.
- 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.
- 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.
- 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.
- 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.
- Defended financial services company in a Fair Debt Collection Practices Act class action in Florida. Obtained favorable settlement for client on an individual basis which resulted in complete dismissal.
- Defended financial services company in a Telephone Consumer Protection Act class action in West Virginia. Obtained favorable settlement for client on an individual basis which resulted in complete dismissal.

- 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.
- 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 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.
- 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.
- 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.

**Education and Background:**

**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

**Publications and Presentations:**

- Faculty, Association of Corporate Counsel, *Avoiding and Defeating Class and Collective Actions* (January 2010, January 2016)
- Faculty, National Business Institute Seminar, *Trade Secrets and Employee Raiding in Georgia* (November 2000)
- Faculty, National Business Institute Seminar, *Litigating the Class Action Lawsuit in Georgia* (July 2002)
- Co-author of the American Bar Association's *Trade Secret Handbook for Franchise and Distribution Companies*
- Co-author of *Electronic Data Risk Management: Use It or Lose It*, Corp. Legal Times (May 1999)
- Faculty, *Electronic Data Risk Management*, Georgia CLE (October, 1999)

**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 Bar of 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 and Middle Districts of Georgia and the Eastern District of Wisconsin, the Supreme Court of Georgia and the Georgia Court of Appeals

**Certifications:**

- Arbitrator Certified by the Georgia Commission on Dispute Resolution