

Michael P. Kohler

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PRACTICE AREAS

Business Litigation | Antitrust & Trade Regulation | Utilities & Telecommunications | Healthcare Litigation | Appellate | Class & Collective Action | Privacy & Data Security | Professional Services Litigation | Litigation | Healthcare | Alternative Dispute Resolution (ADR)

Michael is a trial and an appellate attorney, representing large and small companies and individuals in federal and state courts and in administrative and arbitration proceedings throughout the country. He has served as lead class-action counsel and lead trial counsel in disputes involving millions of dollars and bet-the-company litigation. Michael is outside counsel for one of the nation's largest wireless telecommunications carriers and for one of the region's largest supermarkets, providing counsel and litigation support on business, consumer, real estate, transportation, environmental and regulatory matters throughout the Southeast. He is also primary counsel for one of the nation's largest independent marketing organizations, which wholesales fixed indexed annuities and other insurance products throughout the nation.

He serves as an arbitrator for the American Arbitration Association and International Centre for Dispute Resolution. As an active member of the AAA-ICDR Roster, he has met rigorous selection criteria and is committed to upholding the professional and ethical standards established by the AAA-ICDR.

Michael is the Chair of the firm's Litigation department, is the past chair of the firm's hiring committee in the Atlanta office.

EDUCATION

- J.D., *cum laude*, University of Georgia School of Law, 2001
- A.B., *magna cum laude*, University of Georgia, 1998

BAR ADMISSIONS

- Georgia

COURT ADMISSIONS

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Northern, Middle, and Southern Districts of Georgia
- Court of Appeals of Georgia
- Supreme Court of Georgia
- U.S. Supreme Court

- Pro Hac Vice admissions to state and federal courts in Alabama, Florida, North Carolina, South Carolina, Tennessee and Texas

ACCOLADES

- *The Best Lawyers in America*® – Commercial Litigation, since 2025
- *Chambers USA Legal Guide* – Litigation: General Commercial (Georgia), since 2024
- *Georgia Trend* magazine – Legal Elite, 2013, 2014, 2017, 2018
- *Georgia Super Lawyers*® – Rising Stars, 2009-2016
- *Georgia Super Lawyers*® – Top rated attorney in Business litigation, General litigation, Consumer law, 2020-2023

MEMBERSHIPS

- Cobb County Bar Association
- Federal Bar Association, Atlanta Chapter
- Georgia Legal History Foundation
- State Bar of Georgia: Appellate Practice, Business, Consumer Law, General Practice & Trial Law, Health Law, and Tort & Insurance Law Sections

COMMUNITY

- Atlanta Legal Aid Society
- Ella Mae's Courage Foundation, Inc.
- Pro Bono Partnership of Atlanta
- St. Joseph Catholic Church
- University of Georgia School of Law, Office of Development

EXPERIENCE

Jury Trial

- Co-lead trial counsel in a seven-day trial in which the jury awarded our client significant compensatory and punitive damages and attorneys' fees against two former executives for violating the Trade Secrets Act and a non-disclosure agreement, breaching their fiduciary duties and duties of loyalty, and tortiously interfering with business and contractual relationships. The Daily Report's "Top Georgia Verdicts of 2014" ranked this verdict as the top verdict in the Intellectual Property category.
- Co-lead trial counsel for a Wall Street bank in a week-long trial in claims involving conversion, money had and received, constructive trust, and unjust enrichment. Despite the economic climate in 2009 when folks were blaming Wall Street for one of the worst recessions since the Great Depression, the jury returned a verdict in favor of our client, awarding it nearly $600,000, hundreds of thousands more than the bank offered to settle the case before trial.
- Co-lead trial counsel in an expected three-week jury trial involving various claims and counterclaims arising out of the sale of a business. The case resolved during the second week of trial.
- Co-lead trial counsel in a case involving a breach-of-contract claim filed on behalf of our client, a Korean business, against an American promotional company. The case resolved before the jury returned a verdict.
- Trial counsel in a lawsuit filed against our client, a media company, which sought over $700,000 under various tort theories. After a week-long trial, the jury returned a verdict of only $20,000.
- Trial counsel for a defendant fiber optic company, who was sued for over $2 million under various tort theories of recovery. The parties reached a resolution shortly before the jury began deliberations.
- Trial counsel for a medical device provider in a federal case that sought over a half million dollars for alleged violations of a fair business practices statute, invasion of privacy and other tort claims. The parties reached a resolution after oral arguments on our motion for a directed verdict.

Class Action

- Lead class action defense counsel in a $20 million lawsuit prosecuted in a Georgia federal and state court against a county and a private probation company.
- Class action counsel in a case filed in a Georgia federal court seeking royalty payments for certain songs played over the radio and streamed over the internet.
- Class action counsel in a case filed in an Atlanta federal court seeking relief under the Americans with Disabilities Act. The trial court granted our client's dispositive motion, dismissing with prejudice the case in its entirety.
- Class action counsel in a case prosecuted in a Tennessee state and federal court seeking damages under state law and consumer protection statutes. The federal court granted our client's motion to compel arbitration, thereby defeating the plaintiff's attempt to bring a class action lawsuit.
- Class action counsel in a case filed by physicians in a Georgia federal court, alleging a preferred provider organization and medical discount card provider misappropriated the identity of certain physicians in the marketing of a healthcare provider network. The federal court granted our client's motion for summary judgment, dismissing with prejudice all claims against it.

Appellate

- Jannuzzo v. Glock, Inc., et al., 721 Fed. Appx. 880 (11th Cir. 2018) (affirming dismissal of civil RICO, malicious prosecution, and civil rights claims against clients—a law firm and an attorney/retired FBI agent—and others).
- iHeartMedia, Inc. v. Sheridan, et al., 798 S.E.2d 223 (Ga. 2017) (certifying question from federal court in favor of client, a radio broadcaster that streams music over the internet, which resulted in the dismissal of a civil RICO class-action lawsuit, seeking millions in royalty payments).
- Bauman v. Publix Super Markets, Inc., et al., 710 Fed. Appx. 833 (11th Cir. 2017) (affirming dismissal of entire case, including ERISA-related claims, against clients—the nation's largest employee stock ownership plan and its administrator).
- Glock v. Glock, et al., 714 Fed. Appx. 987 (11th Cir. 2018) (affirming dismissal of $500 million civil RICO case against client and others).
- Glock, Inc. v. Harper, 796 S.E.2d 304 (Ga. Ct. App. 2017) (dismissing RICO and malicious prosecution claims against our client).
- Weaver v. Alltel Corp., 573 Fed. Appx. 884 (11th Cir. 2014) (affirming the dismissal with prejudice of a $7.5 million malicious prosecution claim filed against our client).
- Magnolia State Bank v. VNS Corp., 755 S.E.2d 553 (Ga. Ct. App. 2014) (granting our client's post-trial request to vacate a judgment).
- Federal Deposit Ins. Corp. v. Loudermilk, 761 S.E.2d 332 (2014) (the Supreme Court of Georgia ruled in favor of our client on a case of first impression involving the application of the business judgment rule).
- Prine v. Chailland, Inc., 402 Fed. Appx. 469 (11th Cir. 2010) (upholding the district court's dismissal of RICO and other claims filed against our client).
- Norman v. Jones Lang LaSalle Ams., Inc., 627 S.E.2d 382 (Ga. Ct. App. 2006) (affirming summary judgment on behalf of our client in a premises liability case seeking over a million dollars).
- Simalton v. AIU Ins. Co., 643 S.E.2d 553 (Ga. Ct. App. 2007) (affirming summary judgment on behalf of our client in a claim of first impression).
- Lamb v. Verizon Wireless Servs., LLC, 644 S.E.2d 412 (Ga. Ct. App. 2007) (affirming judgment in favor of our client in claims seeking relief under the Fair Credit Reporting Act and Fair Debt Collection Practices Act).
- Cox v. Altus Healthcare Hospice, Inc., 706 S.E.2d 660 (Ga. Ct. App. 2011) (appeal involving restrictive covenants to protect certain business interests).
- Stefano Arts v. Sui, et al., 690 S.E.2d 197 (Ga. Ct. App. 2010) (appeal involving breach-of-contract claim and tortious interference claims).

Federal Claims

- Prosecuted and defended cases involving claims under RICO, Lanham Act, Telephone Consumer Protection Act, Fair Credit Reporting Act, Fair Debt Collection Practices Act, Truth In Lending Act, Stored Communications Act, Affordable Care Act, ERISA, Fair Labor Standards Act, Americans with Disabilities Act, 42 U.S.C. § 1983 (Civil Rights), Perishable Agricultural Commodities Act, Electronic Funds Transfer Act, Administrative Procedure Act, Regulatory Flexibility Act, and Telecommunication Act of 1996 to name just some.
- Represented an attorney and others in a series of federal and state RICO cases seeking in excess of $500 million in combined damages.
- Served on the litigation steering committee of a federal lawsuit filed against the United States Department of Labor, seeking relief under the Administrative Procedure Act and Regulatory Flexibility Act.

- Defended sponsors of self-funded ERISA plans in claims for benefits, breach of fiduciary duty and reformation under ERISA.
- Successfully pursued subrogation and reimbursement claims under self-funded ERISA plans, recovering over $1 million for the plan sponsors.
- Successfully enforced (and recovered) a Florida company's trust claim under the Perishable Agricultural Commodities Act against a company and its principal.
- Successfully defended companies and financial institutions in claims involving violation of the Fair Debt Collection Practices Act, Fair Credit Reporting Act and the Truth In Lending Act.

Banking

- Successfully defended the owner and operator of an ATM under the Electronic Funds Transfer Act.
- Secured millions of dollars in judgments and recoveries on behalf of banks and holders of notes by suing on loans, promissory notes and guarantees in state and federal courts throughout the Southeast.
- Represented a community bank in a multimillion dollar fidelity bond case filed in the Southern District of Georgia.
- Successfully prosecuted numerous fidelity and officer/director claims on behalf of the FDIC in its capacity as receiver.
- Secured the dismissal of a federal lawsuit seeking hundreds of thousands of dollars against a bank for allegedly converting a quarter of million dollar certificate of deposit.
- Successfully represented a bank in a federal lawsuit by securing a complete dismissal of claims involving breach of contract and wrongful dishonor of certain letters of credit issued by the bank, unfair and deceptive trade practices, bad faith and civil conspiracy.
- Represent lenders and borrowers in various lending and foreclosure matters.

Employment

- Advise companies and employees of their rights and obligations under the Fair Labor Standards Act, Fair Credit Reporting Act and Fair Debt Collection Practices Act.
- Represent employers, executives and employees in claims involving the Trade Secrets Act and non-solicit, non-compete, non-recruitment, non-disclosure and employment agreements.
- Represent employers in unemployment benefits disputes.

Real Estate

- Represented companies, managers and members in a multimillion dollar property development dispute in claims involving fraud, usurpation of business opportunities and breach of fiduciary duty.
- Represented a supermarket in a multimillion dollar dispute with its landlord in a case filed in a Nashville federal court.
- Represented a supermarket in a multimillion dollar dispute with a developer in a case prosecuted in a Georgia federal and state court.
- Represent landlords and tenants in commercial real estate disputes, including eviction actions.
- Represent property owners in boundary disputes and nuisance actions.
- Represented owners and tenants in condemnation actions involving millions of dollars.

Trusts and Estates

- Represent estates, beneficiaries and personal representatives in claims arising from the formation and administration of wills, estates and trusts.
- Successfully represented a Georgia estate by defeating an Alabama bank's claim seeking payment of over $4.2 million under an unlimited continuing guaranty executed by the estate to secure a loan for a bank holding company. The Alabama trial court granted the estate's request for summary judgment, declaring the underlying guaranty unenforceable.

Transportation

- Represented a manufacturer in a $4 million transportation dispute against a multi-national logistics transportation company.
- Advise consignors, consignees and brokers on various transportation issues.

Product Liability

- Represent manufacturers, distributors and sellers of products in claims involving defective design, negligent manufacture and implied warranties of merchantability and fitness.

Insurance

- Represent insurance companies and policyholders in disputes involving coverage under various business, professional and personal lines of insurance policies.

Professional Liability

- Prosecuted and defended professional malpractice claims involving attorneys and healthcare professionals.

Miscellaneous

- Represent retailers and employees before licensing review boards, county commissioners and the Georgia Department of Revenue regarding alcohol, tobacco and lottery licensing matters.
- Prosecuted and defended cases involving slander, libel and defenses under various state Anti-SLAPP statutes.
- Advise employers and payroll processing companies on levy, attachment and garnishment laws throughout the nation.
- Advise clients on responding to grand jury subpoenas, and represent clients in juvenile and misdemeanor criminal matters.
- Conduct witness training for companies testifying in federal and state courts and before state regulatory commissions and arbitration panels.
- Advise clients on document retention issues, e-discovery protocols and attorney-client privilege and work-product doctrine issues.
- Advise clients on mechanics' and materialmen's liens.
- Represented client regarding investigations conducted by the U.S. Securities and Exchange Commission.
- Represented clients in the sale of their businesses.
- Represented clients in federal and state courts throughout the country, including Texas, Arizona, Alabama, Florida, Tennessee, North Carolina, South Carolina, New York, Illinois, and Utah, to name just a few.







