



Joshua P. "Josh" Gunnemann
Partner

T: 404.420.4653
 F: 404.230.0943
 M: 678.361.0500

jgunnemann@rh-law.com

OVERVIEW

Josh Gunnemann is an accomplished trial lawyer who represents businesses and individuals who are involved in complex business disputes, class action litigation, and governmental investigations.

In 2019, Super Lawyers magazine again named Josh a “Rising Star” in Georgia for business litigation and white collar criminal defense, an honor limited to 2.5% of all lawyers in Georgia. This is the seventh year Josh has been selected for that honor. Martindale–Hubbell has given Josh its highest rating of AV Preeminent in Litigation, Business Law and Securities Law; and in 2013, Josh was nominated by his peers in The Best Lawyers in America in three categories: Commercial Litigation, Litigation – Regulatory Enforcement (SEC, Telecom, Energy), and Litigation – Securities. Additionally, Josh was selected by his peers as a leading attorney and included in Georgia Trend's 2014 Legal Elite, a select list of leading Georgia attorneys.

Josh has significant experience representing plaintiffs and defendants in a wide variety of complex business matters, such as class actions, shareholder disputes, SEC and DOJ investigations, contract disputes, corporate–governance matters, fiduciary litigation, internal investigations involving fraud or accounting problems, and business breakups. Josh also advises and represents companies in matters relating to various business torts, such as trade–secret misappropriation and unfair competition.

REPRESENTATIVE EXPERIENCE

Complex Business Disputes and Class Actions

– Josh defended the independent directors of a real estate investment company in securities class action alleging over \$140 million in damages related to the internalization of the company’s outside advisor and the company's public disclosures and was a member of the legal team that successfully secured summary judgment in the clients’ favor.

Assistant

Yvonne Burnam

T: 404.954.7520

yburnam@rh-law.com

Education

J.D., *magna cum laude*, University of Georgia School of Law, Order of the Coif; National Order of Barristers; Joseph Henry Lumpkin Inn of Court, Pupil; Georgia Moot Court Team, National Finalist; Georgia Law Review, Editorial Board and Notes Editor

B.A., Vassar College

Bar Admissions

Georgia

United States District Court
 Northern District of Georgia

United States District Court
 Middle District of Georgia

United States Court of Appeals
 for the Eleventh Circuit

Supreme Court of Georgia

Superior Court of Georgia

Court of Appeals of Georgia

Practices

Securities Litigation

Corporate Governance

Complex Business Litigation

Contract Disputes

Business Torts and RICO

Protection of Trade Secrets and
 Proprietary Information

Restrictive Covenants, Trade
 Secrets and Proprietary
 Information

Shareholder Class Actions

SEC and FINRA Investigations and
 Litigation

Representation of Auditors and
Investment Bankers

Shareholder Derivative Actions /
Officer and Director Defense

Independent Director Counseling

Special Committee
Representation

Internal Investigations

Information Technology

Technology, Data Privacy &
Cybersecurity

Appellate

- Josh is co-counsel in the defense of financial institutions and consumer consolidated class actions involving card payment data breach.
- Josh secured the dismissal of an unfair competition class-action lawsuit filed in federal court in California against a manufacturer of infant products.
- Josh is lead counsel in defending a nationwide class actions involving credit card processing fees.
- In 2015, Josh secured a full defense verdict in a one-week jury trial on an employment agreement between a financial advisor and his former firm.
- Josh represented a manufacturer in parallel litigation in the Delaware Chancery Court and in the Southern District of New York in a dispute related to the manufacturer's acquisition of several industrial plants.
- Josh was a member of the legal team that successfully defended four executives of a wire manufacturer in a TRO action filed by their former employer seeking to restrain them from forming a competing entity. The federal district judge denied the employer's request for a preliminary injunction.
- Josh secured summary judgment that awarded a lending institution over \$1.5 million owed for a business loan and that denied the defendants' counterclaims for breach of contract and various intentional torts. Josh obtained affirmance of the summary judgment award from the Georgia Court of Appeals, and he successfully defended against the defendants' application for certiorari with the Supreme Court of Georgia.

White Collar Litigation

- Josh has routinely represented both corporate and individual clients in investigations by the SEC, DOJ, and FINRA.
- Josh represented a former Fortune 500 executive in parallel civil and criminal securities-fraud cases, including a two-week criminal jury trial in federal court.
- Josh has represented multiple clients accused by federal agencies of insider trading.
- Josh represented the former executive of a bank against allegations of misappropriation, self-dealing, and other misconduct. No charges were filed against the executive.

Internal Investigations, Cybersecurity & Privacy

- Josh has advised clients on the adequacy of their privacy policies and their compliance with privacy and cybersecurity requirements.
- Josh conducted an internal accounting investigation on behalf of the Audit Committee of a government-run hospital.
- Josh conducted an internal accounting investigation into stock-option-backdating activities on behalf of the Audit Committee of a Nasdaq-listed company.
- Josh performed an internal investigation into the possible misappropriation of millions of dollars in funds of a non-profit, professional organization in Atlanta.
- Josh has represented the Audit Committee of a Fortune 50 company in an internal accounting investigation.

Appellate Litigation

- Josh has represented multiple clients in briefing matters to the federal and state appellate courts in Georgia.
- Josh represented a client on a question of first impression before the Georgia Court of Appeals and the Supreme Court of Georgia and obtained a unanimous opinion in the client's favor from the Supreme Court.
- Josh secured summary judgment in favor of a company in litigation challenging the company's services under the Americans with Disabilities Act and obtained confirmation of the summary judgment award on appeal to the Second Circuit Court of Appeals and denial of the plaintiff's application for certiorari with the United States Supreme Court.

PROFESSIONAL AND COMMUNITY ACTIVITIES

- Atlanta Bar Association
- American Bar Association
- Barrister, Joseph Henry Lumpkin Inn of Court (2009 – 2011)
- Master, Lamar Inn of Court, Emory University School of Law (2011 – present)
- Leadership Council, Zoo Atlanta

- Lawyers Club of Atlanta

SPEECHES AND PRESENTATIONS

- CLE Presentation: Cyber Security & Data Privacy: overview of latest FTC policies and guidelines for a compliant privacy policy (December 2014)

- Presentation on Data Privacy & Cyber Security for *The Daily Report's* LegalTech Atlanta Conference (October 2014)

PROFESSIONAL RECOGNITION

- *Georgia Trend* Magazine: Received "Legal Elite" recognition

- Super Lawyers: Recognized as a "Rising Star" in business litigation, 2013-2019

- Martindale-Hubbell: Received AV Preeminent rating in Litigation, Business Law and Securities Law (their highest rating)

NEWS

Rogers & Hardin Partner Josh Gunnemann Featured in Attorney at Law Magazine

R&H Partners Almond and Gunnemann Lead CLE Session on Shareholder and Partnership Disputes

Rogers & Hardin Team Secures Full Defense Verdict in Jury Trial

Rogers & Hardin Partner Josh Gunnemann Comments On Lost Time Provision In Target Data Breach Settlement

Rogers & Hardin Partners Gunnemann & Powers Speak at 2015 Whistleblower Law Symposium

Rogers & Hardin Elects Joshua Gunnemann to Partnership

PUBLICATIONS

Lessons from the SEC's First "Pretaliation" Whistleblower Enforcement Action

What Every Company Should Be Thinking After Target Ruling



Crafting a Privacy Policy for Your Clients

RECOGNITIONS

- U.S. News – Best Lawyers® "Best Law Firms" Recognizes Rogers & Hardin
- The Best Lawyers in America® Recognizes 14 Rogers & Hardin Attorneys
- 12 Rogers & Hardin Partners Recognized by Super Lawyers in 2019
- U.S. News – Best Lawyers® "Best Law Firms" Recognizes Rogers & Hardin
- Rogers & Hardin Recognized by The Daily Report as Litigation Team of the Year