



**Assistant**

Connie May

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**Education**

J.D., with high honors, Emory University School of Law, Order of the Coif; Editor in Chief, Emory Law Journal; Paul Bryan Prize in Constitutional Law; Mary Laura “Chee” Davis Award for Writing Excellence

B.G.S., with honors, Political Science, University of Kansas

**Bar Admissions**

Georgia

Court of Appeals of Georgia

Supreme Court of Georgia

United States District Court  
Northern District of Georgia

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
for the Eleventh Circuit

United States Supreme Court

**Practices**

Appellate

Civil Rights and Constitutional  
Law

Class Actions

Complex Business Litigation

Securities Litigation

Business Torts and RICO

Contract Disputes

Internal Investigations

Shareholder Derivative Actions /  
Officer and Director Defense

**Michael L. Eber**

**Partner**

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**OVERVIEW**

Mike Eber is a partner at Rogers & Hardin whose practice focuses on complex business litigation and appeals. Mike has significant experience representing both plaintiffs and defendants in arbitration, mediation, and state and federal courts.

Mike’s appellate cases have addressed a broad range of issues, including class certification, constitutional law, securities law, attorneys’ fee awards, insurance coverage, employment, attorney disqualification, and civil procedure. Recently, Mike argued and won three appeals in the U.S. Court of Appeals for the Fifth Circuit on behalf of business clients seeking to recover damages from the Deepwater Horizon oil spill. In the first case, Mike convinced the Fifth Circuit to vacate the denial of a \$4 million claim. After a favorable ruling on remand, the case settled. In the second case, Mike defended a \$58 million claim, successfully arguing against Lisa Blatt, one of the nation’s most prominent appellate advocates. And in the third case, Mike won affirmance of a \$28 million claim.

Mike joined Rogers & Hardin after clerking for the Honorable Edward E. Carnes of the U.S. Court of Appeals for the Eleventh Circuit. Mike graduated with high honors from the Emory University School of Law, where he served as the Editor in Chief of the Emory Law Journal. He received the Paul Bryan Prize in Constitutional Law and the Mary Laura “Chee” Davis Award for Writing Excellence.

Mike has been named a Georgia Super Lawyer “Rising Star” in Business Litigation and Appellate Practice. He was also selected by his peers for inclusion in The Best Lawyers in America in the fields of Commercial Litigation (2022) and Mass Tort Litigation / Class Actions – Defendants (2021–2022)

**REPRESENTATIVE EXPERIENCE**

*Complex Business Disputes*

- Represented healthcare management consulting firm that sued a major Georgia hospital for breach of contract and tortious interference
- Represented a leading research university in defense of claims for breach of fiduciary duty and misappropriation of trade secrets
- Represented one of the largest community banks in the Southeast in a complex lender-liability dispute; briefed and won *Daubert* motion to exclude expert testimony underlying nearly all of the plaintiff's \$40 million damages theory
- Argued post-trial motions on behalf of former condominium association directors following an adverse jury verdict in the Northern District of Florida
- Represented a medical diagnostic services provider in defense of claims alleging misappropriation of trade secrets, breach of fiduciary duty, and breach of contract

#### *Appellate Litigation*

- Briefed, argued, and won a Georgia Court of Appeals case raising novel questions of nuisance liability, including whether a controversial business can be held liable for attracting third-party protestors. For news coverage of the decision, use these links: [AJC](#), [Law360](#), and [Daily Report](#).
- Briefed, argued, and won three appeals in the U.S. Court of Appeals for the Fifth Circuit on behalf of business clients that recovered \$90 million under the Deepwater Horizon Economic & Property Damages Settlement
- Argued a Georgia Supreme Court appeal regarding constitutional and statutory challenges to a municipal annexation ordinance
- Authored U.S. Supreme Court amicus brief in the "water wars" case on behalf of Georgia local government and conservation organizations
- Won affirmance by the Georgia Court of Appeals of jury verdict in favor of financial advisor client
- Petitioned for certiorari to the Supreme Court of Georgia and obtained expedited ruling in client's favor on issue of appellate procedure
- Represented major international law firm in the Eleventh Circuit and obtained affirmance of an attorneys' fee award under Georgia's offer-of-judgment statute

### *Class Actions*

- Represented state-chartered bank in appellate litigation concerning enforceability of class action litigation waivers
- Represented mortgage company in defense of a putative class action alleging that “post-payment” interest was improperly collected from over 40,000 borrowers; obtained settlement for a fraction of potential damages
- Represented one of the country’s largest manufacturers of building and paper products in defense of products liability class actions

### *Government Contracts*

- Successfully represented one of the nation’s largest health insurance administrators in response to a flurry of bid protests challenging a multi-billion dollar government contract
- Represented Atlanta construction company in municipal contract dispute

### **PROFESSIONAL AND COMMUNITY ACTIVITIES**

- Barrister, Cooper Inn of Court, Emory University School of Law
- American Bar Association
- Atlanta Bar Association
- State Bar of Georgia Appellate Practice Section
- Eleventh Circuit Historical Society

### **PUBLICATIONS AND PRESENTATIONS**

- [State Q&A, Additional Civil Appeals: Georgia](#) (2021) (with Practical Law Litigation)
- [State Q&A, Initial Civil Appeals: Georgia](#) (2021) (with Practical Law Litigation)
- [State Q&A, Provisional Remedies: Georgia](#) (2021) (with Practical Law Litigation)
- [State Q&A, Responding to a Complaint: Georgia](#) (2020) (with Practical Law Litigation)
- Winning vs. Losing: Litigation Antics as Opposed to Litigation Advocacy,

Presentation at Ethics & Professionalism ICLE, March 2, 2018 (with Richard H. Sinkfield)

- Protecting Attorney-Client Privilege When Investigating Whistleblower Allegations, Presentation to the Georgia Chapter of the Association of Corporate Counsel, March 10, 2015
- [When the Dissent Creates the Law: Cross-Cutting Majorities and the Prediction Model of Precedent](#), 58 Emory L.J. 207 (2008) (cited in Bryan A. Garner et al., *The Law of Judicial Precedent* (2016))

### RECOGNITIONS

- Rogers & Hardin Attorneys Recognized in the 2022 Edition of The Best Lawyers in America©
- U.S. News – Best Lawyers® 2021 "Best Law Firms" Recognizes Rogers & Hardin
- Rogers & Hardin Attorneys Recognized in the 2021 Edition of The Best Lawyers in America©
- U.S. News – Best Lawyers® 2020 "Best Law Firms" Recognizes Rogers & Hardin
- 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