



S. Gardner Culpepper, III
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Education

J.D., Vanderbilt University Law School, American Jurisprudence Book Award for Property, Associate Editor, Vanderbilt Law Review

B.A., *magna cum laude*, Dartmouth College

Bar Admissions

United States District Court Northern District of Georgia

Supreme Court of Georgia

Court of Appeals of Georgia

Court of Appeals of for the Eleventh Circuit

United States Court of Appeals for the Second Circuit New York

Practices

Class Actions

Consumer

Complex Business Litigation

Corporate Recovery

Information Technology

Insurance-Related Litigation

Product Liability & Toxic Tort Litigation

Restrictive Covenants, Trade Secrets and Proprietary Information

Consumer Litigation

Health Care

Health Care Litigation

Representation and Warranty Insurance Claims

OVERVIEW

Gardner Culpepper specializes in complex commercial litigation. He handles trade secret, business tort, product liability, fiduciary duty, false advertising, restrictive covenant and high-value contract disputes. He is also part of the firm's **corporate recovery** team, pursuing, among other things, claims under buy side **representation and warranty policies**. Gardner previously served as national lead counsel for one of the country's largest manufacturers of wood and paper products, successfully defending against multiple putative class actions that asserted consumer fraud, unfair trade practice, breach of warranty and product liability claims. His engagements routinely place him in state and federal court as well as before arbitration panels (including before the International Chamber of Commerce).

Gardner has been frequently recognized as one of Georgia's top commercial litigators and class action lawyers in third-party publications such as *Benchmark Litigation*, *The Best Lawyers in America*® and *Super Lawyers*. Gardner is also a Martindale-Hubbell AV Preeminent Top Rated Lawyer. In 2009, he was identified by Atlanta's *Daily Report* as one of the top 12 lawyers under 40 in Atlanta. He also regularly speaks at Georgia CLE's on ethical and professionalism issues.

REPRESENTATIVE EXPERIENCE

- Assisted private equity firm in achieving eight figure claim settlement under a buy side representation and warranty policy
- Won motions to dismiss in multi-million dollar putative state-wide consumer fraud and product liability class actions that were filed in North Carolina and Florida federal district courts.
- Secured dismissal of \$30 million tortious interference and defamation suit filed against an international business communication solutions company.
- Through novel use of the inevitable disclosure doctrine, successfully prevented the threatened misappropriation of trade secrets belonging to a nationally recognized phonetic search technology company.
- Obtained favorable results for one of the world's largest investment banks in non-compete

and corporate raiding cases filed in Georgia.

- Co-defense counsel with other large national and international firms representing one of the world's largest wireless telecommunications companies in multiple international breach of contract and licensing disputes with hundreds of millions of dollars at issue, including two International Chamber of Commerce arbitrations.
- Defeated multiple defamation and business tort cases throughout the Southeast brought against one of the largest telecommunications services providers in the United States.
- Co-defense trial counsel in charge of expert witness cross examination in murder case tried to completion in Fulton County Superior Court. Trial counsel in multiple insurance defense matters and arbitrations hearings tried to completion.

PROFESSIONAL AND COMMUNITY ACTIVITIES

- Member on Board of Trustees for Atlanta Bar Association CLE
- Lawyers Foundation – Fellow
- State Bar of Georgia
- American Bar Association
- Defense Research Institute
- Atlanta Bar Association

SPEECHES AND PRESENTATIONS

- "Representation and Warranty Policies - Trends and Claims," Georgia CLE Presentation, February 201
- "Lincoln on Professionalism, " Moderator of Georgia Professionalism CLE with panel of Federal District Court Judges, March 2017
- "Professionalism Challenges," Moderator of CLE presentation for the Atlanta Bar Association, December 2016
- "Ethics for In-House Counsel: Negotiations," Georgia CLE presentation to the Georgia Chapter of the Association of Corporate Counsel, March 2016
- "Ethics for In-House Counsel: Ethics in Transactional Matters," Georgia CLE presentation to the Georgia Chapter of the Association of Corporate Counsel, March 2014
- "The Law(s) of Privilege: Trends, Choices and Context for In-House Counsel," Georgia CLE presentation, 2012

PROFESSIONAL RECOGNITION

- *The Best Lawyers in America*® - Commercial Litigation
- *Benchmark Litigation* - Local Litigation Star in Georgia for expertise in the Construction and General Commercial categories
- Martindale-Hubbell AV Preeminent Top Rated Lawyer
- Super Lawyers: rated a *Georgia Super Lawyer* in the Class Action/Mass Torts; Construction Litigation; and Business Litigation

PUBLICATIONS

R&W Insurance Policies Recovering Deserved Damages

So They Want You To Sign A Non-Compete (And Now!) – Negotiation Thoughts For Executives

RECOGNITIONS

- 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 Receives 2019 Benchmark Litigation Highly Recommended Ranking
- The Best Lawyers in America® Recognizes 14 Rogers & Hardin Partners