

# Government & Administrative Litigation

## Atlanta Government Lawyers

Our attorneys are some of Georgia's most experienced in disputes involving state and local governments. In suits ranging from election and constitutional challenges, to campaign finance, to bid protests, to Medicaid class actions, our government lawyers regularly appear before judicial and administrative courts in disputes involving government. Not only do we argue the law, members of the firm have written them. Among our attorneys are three former Executive Counsels to the Georgia Governors, numerous Special Assistant Attorneys General, attorneys for the Governor's Office of Consumer Protection, and Counsel to the Judiciary Committees of the Georgia House of Representatives. We have also provided legal advice to city councils and county commissions. Having represented both government entities and private parties against governments, our government attorneys are uniquely poised to assist clients in matters involving government.

## Representative Matters

- We obtained a dismissal of a constitutional law challenge to the Secretary of State's and State Election Board's preparation for the 2020 General Election in *Anderson v. Brad Raffensperger*, 1:20-CV-03263, 2020 WL 6048048, at \*1 (N.D. Ga. Oct. 13, 2020).
- We defeated most requests for relief in a preliminary injunction that challenged all of Georgia's absentee ballot voting laws. *New Georgia Project v. Raffensperger*, 1:20-CV-01986-ELR, 2020 WL 5200930 (N.D. Ga. Aug. 31, 2020). When the district court agreed with one of the six arguments proffered by the plaintiffs, the Eleventh Circuit stayed the injunction and concluded that the State had a likelihood of success on the merits on appeal. *New Georgia Project v. Raffensperger*, 20-13360-D, 2020 WL 5877588 (11th Cir. Oct. 2, 2020).
- We obtained a reversal of the intended award for the State of Georgia's proposed 2020 employee dental flexible benefits PPO contract for a disappointed bidder.
- We helped obtain a dismissal of constitutional law challenges to Georgia's 2020 primary in *Coalition for Good Governance v. Raffensperger*, 1:20-CV-1677-TCB, 2020 WL 2509092, at \*1 (N.D. Ga. May 14, 2020).
- We defeated motions for preliminary injunctions alleging Georgia's longstanding practice of not paying postage for absentee ballots was an unconstitutional poll tax and unconstitutional burden on voting in *Black Voters Matter Fund v. Raffensperger*, 2020 WL 2079240 (N.D. Ga. Apr. 30, 2020); 2020 WL 4597053 (N.D. Ga. Aug. 11, 2020).

- We defeated a motion for preliminary injunction that sought to change the way in which Georgia enacted its voter list maintenance efforts in *Fair Fight v. Raffensperger*, 1:18-CV-5391-SCJ (N.D. Ga. Dec. 16, 2019).
- After having the Secretary dismissed from the lawsuit, we argued as amicus for the Secretary of State of Georgia in the Georgia Supreme Court and obtained an affirmance of the Superior Court of Cobb County's decision to uphold Lt. Governor Geoff Duncan's 2018 election. *Martin v. Fulton Cty. Bd. of Registration & Elections*, 307 Ga. 193 (2019).
- On behalf of a gas marketer, we obtained the reversal of the Fulton County of Superior Court's decision to reverse a favorable decision before the Public Service Commission in *Infinite Energy, Inc. v. Marietta Nat. Gas, LLC*, 349 Ga. App. 343 (2019).
- As amicus curiae, we successfully argued that the Georgia Supreme Court should reverse a Court of Appeals and trial court ruling on the application of statutes governing Georgia's E-911 funding, which set new precedent in Georgia for issues of tax and statutory construction. *Bellsouth Telecommunications, LLC v. Cobb Cty.*, 305 Ga. 144 (2019).
- We secured an affirmance of the Superior Court of Fulton County's decision to reverse the Georgia Lottery Corporation's attempt to regulate a restaurant device manufacturer as a coin operated amusement machine. *Georgia Lottery Corp. v. Tabletop Media, LLC*, 346 Ga. App. 498 (2018).
- On behalf of residents desiring to live in the new City of South Fulton, we first obtained a declaratory judgment action against a major Georgia municipality that sought to annex territory marked for the new City of South Fulton. The Supreme Court upheld the decision unanimously in *City of Atlanta v. Mays*, 301 Ga. 367 (2017).
- We obtained a dismissal of a putative class action brought by Medicaid providers and beneficiaries. The lawsuit sought hundreds of millions of dollars based on theories involving constitutional law, federal Medicaid regulations, and state law. The Superior Court granted our Motion to Dismiss. Despite the Georgia Court of Appeals reversing the trial court's dismissal, a unanimous Supreme Court agreed with the State's position and dismissed the action. *Georgia Dept. of Behavioral Health and Developmental Disabilities v. United Cerebral Palsy of Georgia*, Supreme Court of Georgia, 298 Ga. 779 (2016).
- We filed an Amicus Brief on behalf of the Georgia Amusement and Music Operators' Association to challenge a local ordinance that interfered with the placement of bona fide coin operated amusement machines. After also partially arguing the case, the Supreme Court of Georgia unanimously the Association's position, reversed the trial court, and struck the local ordinance as preempted by State law. *Gebrekidan v. City of Clarkston*, 298 Ga. 651 (2016).
- Our firm represented a treatment facility for children with eating disorders. After a municipality approved our client's proposed use, the city's zoning board of appeals caved to political pressure and reversed the city's initial decision. We obtained a reversal in the superior court and the Court of Appeals of Georgia affirmed. *City of Dunwoody v. Discovery Practice Management, Inc.*, 338 Ga. App. 135 (2016).
- We represent the State of Georgia in a lawsuit filed by the United States Department of Justice. The Justice Department is challenging the State's administration of services to students with Emotionally Disturbed Behavior based on the Americans with Disabilities Act.

- We represented a Fulton County Commissioner in a dispute against Fulton County Tax Commissioner. The suit alleges that the Tax Commissioner retaliated against the County Commissioner when she questioned the operations of his office. Members of our firm overcame summary judgment and immunity defenses before the trial court and Georgia's appellate courts.
- Our attorneys represented an incumbent bidder on a major contract with the Georgia Department of Corrections. After our protest of the Department's award of the contract to another bidder, the Department of Administrative Services cancelled the solicitation.
- We also represented a health plan and pharmacy benefits manager in a protest of one of Georgia's largest public procurements. The claims raised included causes of action arising under the Constitution of the State of Georgia and the Georgia Open Records Act.
- Two of our partners represented the State of Georgia as Special Assistant Attorneys General in the State of Georgia's lawsuit against "Obamacare." The case was ultimately decided by the United States Supreme Court. Our attorneys represented the State of Georgia pro bono (i.e., at no cost to the State).
- We have represented companies accused of violating consumer protection laws and have represented companies being investigated by the Governor's Office of Consumer Protection, now the Georgia Department of Law Consumer Protection, for alleged violations of the Fair Business Practices Act.
- We represented a Fortune 50 company in a zoning appeal. Our client purchased a commercial property for over \$60 million after our client obtained assurances and positive feedback from City officials with regard to our client's proposed redevelopment. Despite the positive feedback and assurances, the City Council initially denied rezoning. Our client filed suit, and the City Council subsequently voted to approve the rezoning.
- We represented the State of Georgia after it was sued under the Americans with Disabilities Act concerning the level of services provided to state residents with developmental disabilities and mental illness. We were successful in reaching an agreement to avoid an outcome involving direct federal control of the state services at issue. This agreement is now viewed as the gold standard governing state programs for developmentally disabled and mentally-ill individuals, and we have served in advisory roles to guide other states.

## Other representative matters include:

- Administrative Appeals
- Agency Rulemaking
- Bid Protests
- Election Disputes
- Ethics and Campaign Finance
- Government Investigations
- Land Use and Zoning
- License and Permit Disputes
- Open Records & Open Meetings Laws

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- School District Litigation