

## Atlanta Restaurateur Kevin Rathbun Prevails on Motion for Summary Judgment

The Robbins Firm won summary judgment for Kevin Rathbun, the celebrity Iron Chef and owner of several of Atlanta's most highly regarded restaurants, Kevin Rathbun Steak, SteakBar, Rathbun's, and Krog Bar. Rathbun is majority owner of the restaurants, and Plaintiffs held minority interests. Rathbun and Plaintiffs also actively worked in the businesses. Plaintiffs resigned from three of the restaurants and Rathbun notified Plaintiffs that he intended to exercise his option to buy their interests in those entities ( KRS, Steakbar, and Krog Bar). Plaintiffs alleged that because they voluntarily resigned and were not fired from employment, Rathbun had no right to buy out their membership interests. The Superior Court of Fulton County (The Honorable Erik Dunaway) granted Rathbun summary judgment against both Bramble and Parks as to Krog Bar and granted Rathbun summary judgment against Bramble as to Kevin Rathbun Steak and SteakBar, as well as Krog Bar.

The Court's determination hinged on the meaning of the phrase " termination of employment by the company" in the companies' operating agreements. Plaintiffs argued that the phrase means "fired by the company." Rathbun argued that "termination of employment" includes any end of employment, including resignation. The Court found that "termination of employment by the company" means either voluntary resignation or involuntary termination, citing to a Georgia Supreme Court opinion.

Kevin Rathbun and the Robbins Firm are very pleased with the court's decision.