

## Fraud & Misrepresentation

Many of our firm's cases involve claims of fraud, misrepresentation, and tortious interference with contract. Our attorneys have extensive experience pursuing and defending against disputes involving these claims.

In addition to the risks of liability and potentially punitive damages, the mere allegation of these types of claims also poses threat to business reputation and good will—even when a party has done nothing wrong. These claims also often arise on an emergency basis, and we have assisted many clients with seeking a temporary restraining order or a preliminary injunction in defending such claims. We have handled trials and appeals of these types of claims in lawsuits and arbitrations throughout the country.

## Representative Matters

- The Firm represented the primary lender for a large real estate development against borrowers and guarantors of a subrogated lender who sued our client for fraud, breach of the implied covenant of good faith and fair dealing, conspiracy, and malicious procurement. The plaintiffs alleged that our client failed to disclose a subordination agreement between our client and the subrogated lender. The trial court granted our motion for summary judgment in its entirety, finding that all the loan documents were disclosed to plaintiffs. The trial court further found that there was no special or fiduciary relationship between our client and plaintiffs which would support a fraudulent concealment claim.
- We represented a small business and its owners who fell victim to negligent and fraudulent financial tax advice regarding a defined benefit plan. Defendants continually assured our client that this defined benefits plan complied with the law, in particular the IRS tax code, and failed to correct the drafting error even though it should have been aware of the error years prior. While the defense attempted to blame liability on other parties involved – including our clients - a jury agreed that our client should be compensated for this error, and that the third party administrator should bear most of the responsibility for these damages. The Court of Appeals has now affirmed the jury award, which was the largest professional negligence award in 2015.
- The Firm represented a minority owner in a food-related business against the majority owner who had schemed to transfer assets out of the company, including hundreds of thousands of dollars of our client's investment. Upon filing suit, we immediately obtained a restraining order against the defendants and an order for expedited discovery. After failing to comply with a court order to produce documents, the Court held one of the individual defendants in contempt of Court, fining him and giving him a 20-day prison sentence. The case settled favorably for our client soon after that individual was incarcerated.
- We represented, on appeal, an online vendor management company sued by a subcontractor for fraud, misrepresentation, and breach of fiduciary duty among other claims. In addition to affirming the trial court's summary judgment ruling that the subcontractor did not have a valid fraud claim because

the subcontractor failed to present any evidence that it relied on any representation by our client, the Court of Appeals also concluded that the breach of fiduciary duty claim should have been dismissed at summary judgment because the relationship between the parties was “tenuous, transitional, and at times adversarial” and not one that would create a fiduciary duty or special relationship.

- We represented a group of investors who were defrauded in a sophisticated real estate investment scam. We sued nine defendants in federal court on counts of conspiracy, conversion, fraud, unjust enrichment; and violations of 18 U.S.C. § 1961, et seq., Racketeering Influenced Corrupt Organizations Act (“RICO”). We obtained (confidential) settlements with two defendants, and judgment of over \$4 million – including treble damages – against the remaining defendants.
- Our client, the owner and manager of several commercial rental properties, was sued in United States District Court under a theory of unjust enrichment. Plaintiffs alleged that our client had received approximately \$4 million in trust monies despite not being a beneficiary of the trusts. After four days of trial, we moved for, and were granted, judgment as a matter of law on the unjust enrichment claims asserted against our client.
- The Firm defended a company against a false claim for unemployment benefits, made by a former employee who previously forged correspondence on his supervisor’s computer to create a supposed basis for a sex discrimination claim. Like the sex discrimination claim, the unemployment benefits claim was baseless. The employee alleged that the company terminated his health benefits, showing that his employment was terminated, and the Department of Labor awarded him benefits on this basis. The company prevailed on appeal, and the employee filed an appeal with the Department itself, which acts as the “high court” in such matters. Robbins Firm attorneys succeeded in getting a favorable Department-level decision to reverse the grant of benefits.
- The Fulton County Superior Court awarded a key victory to Robbins Firm clients when it agreed to grant our motion to dismiss the bulk of the claims filed against our clients in a case involving a commercial real estate transaction in Florida. The transaction at issue involved the financed sale of a hotel, and the plaintiff’s suit sought a portion of the proceeds of that sale. In agreeing with our position, the court recognized that there was no basis for the plaintiff to assert many of its most potentially lucrative claims, including a cause of action under Georgia’s RICO statute.
- Our clients – a company that provided tax-advantaged investments as well as individuals who were employed by the company – were sued for fraud in multiple lawsuits around the country. We served as lead counsel in all of the lawsuits, which involved complex legal and tax issues. Some of the lawsuits were dismissed or resolved via confidential settlement agreement.
- We represented a major real estate developer who sued a prospective partner in a real estate transaction for embezzling over a million dollars. The Court entered a default judgment against the defendant due to the defendant’s misconduct during discovery in the case.
- We represented a software company that provides matter management, e-billing, and other services to in-house legal departments of major companies — including HARPO, Mercedes-Benz, Ernst & Young, Nestle, and FedEx. A new customer (a major entertainment enterprises company) terminated its contract with our client while the installation process was in midstream. The companies sued and counter-sued one another. For our client, maintaining its good 34-year reputation among Fortune 100 companies was even more important than the monetary aspects of the case, and after a year of litigating, we negotiated an extremely favorable settlement.