

# ROBBINS

Litigation and Regulatory Law

Josh Belinfante represents clients in commercial and administrative disputes, and he is one of Georgia's most knowledgeable attorneys on appellate matters and questions of governmental law and policy. He represents governmental and non-governmental clients, and those in the highly regulated fields of healthcare, gaming, land use, and energy.

Josh brings to bear his experience in all three branches of government, having served as the Executive Counsel or Chief Legal Advisor to Governor Sonny Perdue, Georgia's 81st Governor (2007-2009), Legal Counsel to the Georgia House Judiciary Committee (2006), and Law Clerk to Judge J.L. Edmondson of the Eleventh Circuit (2004-2005).

In litigation matters, Josh's practice involves commercial disputes, including partnership and contract disputes, non-compete agreements, and lawsuits involving civil and constitutional rights. Josh has also developed significant experience in cases involving government—ranging from zoning and land use disputes, to matters before administrative agencies, the Georgia Public Service Commission, and bid protests. Josh has also litigated and advised numerous private and public clients on Georgia's Open Records and Open Meetings Acts. The State of Georgia has long viewed Josh as a go-to lawyer of the in numerous complex and high stakes cases brought by the United States Department of Justice and private litigants involving education, healthcare, election, and constitutional matters.

Outside of litigation, Josh also provides legal counsel to highly regulated industries navigating various state and federal laws and regulations governing the healthcare, gaming, and energy sectors. In addition, as a member of Robbins Government Relations, Josh has significant experience drafting many of the state laws that guide clients' business and compliance strategies.

The Atlanta Business Chronicle described Josh as the "go-to guy for Georgia healthcare policy and legislation." In 2011, the Atlanta Business Chronicle named Josh one of the 40 Under 40 of Atlanta's Rising and Business Leaders. In 2010, The Fulton County Daily Report named Josh one of 10 attorneys "On the Rise," and Georgia Trend named him one of Georgia's "Legal Elite." Atlanta Magazine named Josh a "Super Lawyer" since 2015, and it frequently named him a Georgia "Rising Star Super Lawyer." James Magazine has repeatedly identified Josh as one of the "Best Lawyers in Georgia."

Josh has served as the President of the Atlanta Chapter of the Federalist Society (2019-2023), where he remains member of the Board of Directors. He has also been a member of the University of Georgia Law School Alumni Council, and the former President of the Pace Academy Alumni Association (2010-2012). Josh is also a graduate of Leadership Atlanta (2012), Leadership Sandy Springs (2015), and the Coverdell



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Leadership Institute (2007). He is also working to spread awareness and raise funds for research into Ollier Disease.

Josh is a graduate of the University of Pennsylvania and the University of Georgia School of Law. He also taught high school at Pace Academy in Atlanta.

## Education

- JD, cum laude, University of Georgia School of Law, 2003
- B.A., cum laude, University of Pennsylvania, 1999

## Clerkship

- The Honorable Judge J.L. Edmondson, United States Court of Appeals for the Eleventh Circuit

## Bar Memberships

- Georgia

## Representative Cases

- *AU Medical Center, Inv. v. Department of Community Health*, 366 Ga. App. 94 (2022) (obtained only decision from Georgia Court of Appeals affirming an award of a Certificate of Need to build a freestanding emergency department);
- *Cartersville Medical Center v. Floyd Healthcare Management*, 365 Ga. App. 741 (2022) (secured reversal of trial court's decision to reverse administrative agency's grant of Certificate of Need to hospital to develop a neonatal intensive care unit);
- *Fair Fight Action, Inc. v. Raffensperger*, Civil Action No. 1:18-CV-5391-SCJ, 2002 WL 4725887 (N.D. Ga. 2022) (achieved full defense verdict after six week trial challenging numerous aspects of Georgia election law and state action);
- *Coe v. Proskauer Rose, LLP*, 314 Ga. 519 (2022) (successfully argued for plaintiff in appeal to the Supreme Court of Georgia, which resulted in a reversal of the Court of Appeals decision and trial court's grant of summary judgment in a professional negligence and negligent misrepresentation matter);
- *Black Voters Matter Fund, Inc. v. Kemp*, 313 Ga. 375 (2022) (obtained reversal of trial court's denial of motion to dismiss plaintiffs' constitutional and Voting Rights Act challenge to legislation creating a new judicial circuit in Columbia County, Georgia);
- *Redmond Park Hospital LLC v. Floyd Health Care Management, Inc.*, 360 Ga. App. 469 (2021) (accomplished order affirming trial court's decision to uphold superior court decision to affirm state agency's decision to grant a Certificate of Need to provide basic perinatal services);
- *Anderson v. Brad Raffensperger*, 1:20-CV-03263, 2020 WL 6048048, at \*1 (N.D. Ga. Oct. 13, 2020) (obtaining motion to dismiss challenge to State of Georgia's preparation for 2020 general election);
- *New Georgia Project v. Raffensperger*, 20-13360-D, 2020 WL 5877588 (11th Cir. Oct. 2, 2020) (obtained a stay of injunction where district court ordered relief in only one of six claims sought);

- *Black Voters Matter Fund v. Raffensperger*, Civil Action No. 1:20-cv-01489-AT, 2020 WL 2079240 (N.D. Ga. Apr. 30, 2020); 2020 WL 4597053 (N.D. Ga. Aug. 11, 2020) (denying preliminary injunctions challenging Georgia's absentee ballot by mail process);
- *Coalition for Good Governance v. Raffensperger*, 1:20-CV-1677-TCB, 2020 WL 2509092, at \*1 (N.D. Ga. May 14, 2020) (granting motion to dismiss constitutional challenge to Georgia's 2020 primary election);
- *Martin v. Fulton Cty. Bd. of Registration & Elections*, 307 Ga. 193 (2019) (upholding 2018 Lt. Governor's election) (as amicus for the Georgia Secretary of State);
- *Infinite Energy, Inc. v. Marietta Nat. Gas, LLC*, 349 Ga. App. 343 (2019) (reversing superior court's decision to remand public service commission decision on natural gas marketing certificate);
- *Georgia Lottery Corp. v. Tabletop Media, LLC*, 346 Ga. App. 498 (2018) (upholding reversal of Georgia Lottery Corporation's attempt to regulate a restaurant device as a coin operated amusement machine);
- *City of Atlanta v. Mays*, 301 Ga. 367 (2017) (unanimously affirming trial court's invalidation of numerous Atlanta annexations);
- *City of Dunwoody v. Discovery Practice Management, Inc.*, 338 Ga. App. 135 (2016) (affirming superior court's decision to reverse municipal zoning board of appeals after concluding that the board exceeded its authority);
- *Georgia Dept. of Behavioral Health and Developmental Disabilities v. United Cerebral Palsy of Georgia*, 298 Ga. 779 (2016) (unanimously reversing Court of Appeals decision and reinstating Superior Court's order dismissing putative class action of Medicaid providers and beneficiaries seeking hundreds of millions of dollars based on theories involving constitutional law, federal Medicaid regulations, and state law);
- *Gebrekidan v. City of Clarkston*, 298 Ga. 651 (2016) (unanimously reversing Superior Court order that would have allowed the City of Clarkston to ban coin operated amusement machines from establishments with retail alcohol licenses) (representing Amicus Georgia Amusement and Music Operators' Association).
- *All Star, Inc. v. Georgia Atlanta Amusements*, 332 Ga. App. 1 (2015) (reversing superior court decision that 2013 legislation invalidated contracts in gaming industry).
- *Hausmann v. Ferdinand*, Georgia Court of Appeals (2015) (affirming summary judgment that Fulton County Commissioner could proceed against Tax Commissioner on retaliation claims) (unpublished).
- *LabMD v. Savera*, 331 Ga. App. 463 (2015) (finding trial court abused its discretion when it awarded attorneys' fees without setting off amounts paid by insurance and prior settlement) (did not serve as trial counsel).
- *United States v. Georgia*, Northern District of Georgia; challenge to Georgia's behavioral health delivery system, settled on favorable terms to Georgia
- *In re: Physician*, Georgia Composite Medical Board; physician threatened with suspension of license and \$10,000 fine, settled for private reprimand and \$2,500
- *In re: Judge*, Judicial Qualification Commission; judge threatened with never being permitted to serve in a judicial capacity again, case dismissed

- *Palmyra Park Hosp. Inc., v. Phoebe Sumter Medical Center*, 310 Ga.App. 487, 714 S.E.2d 71 (2011) (reversing trial court's denial of Certificate of Need under new law)
- *Gwinnett County School District v. Cox*, 289 Ga. 265, 710 S.E.2d 773 (2011) (striking Georgia's charter school law) (brief for Amicus, Georgia Chamber of Commerce)
- *Fulton-DeKalb Hospital Authority v. Reliance Trust Co.*, 270 Ga.App. 822, 608 S.E.2d 272 (2004) (upholding summary judgment and rejecting new cause of action against healthcare professionals)

## Selected Publications and Presentations

- *State Regulation of Healthcare*, Conservative Policy Leadership Institute (2011, 2012, 2016, 2017)
- *Ethics & Political Leadership*, Republican Leadership for Georgia, (annually since 2010)
- *The Future of Georgia Medicaid*, Young Professionals in Healthcare (2012)
- *Mandatory Medical Malpractice Review Panels*, Heritage Foundation & Georgia Public Policy Foundation (2011)
- *The Law of Ethics*, Georgia Senate Majority Caucus (2011)
- *United States v. Georgia: Legislative Responsibilities*, Biennial Institute, November 2010
- "The Shield Remains: The Peer Review Privilege in Georgia," The Georgia Bar Journal, January 2006
- "To Dismiss or Not to Dismiss, Partial Motions to Dismiss," The Federal Lawyer, Winter 2006.
- "Campaign Finance After McConnell," Republican National Lawyers Association Newsletter, Winter 2003.

## Government Service

- Member, Federal Judicial Advisory Committee (2013-2019)
- Special Assistant Attorney General in successful challenge to the Affordable Care Act, and in lawsuits brought by the United States Department of Justice and private litigants involving education, healthcare, election, and constitutional matters.
  - *Georgia Advocacy Office v. Georgia* (private challenge to Georgia's special education system) (2017 – ongoing);
  - *United States v. Georgia* (government challenge to Georgia's special education system) (2016 – ongoing);
  - *United Cerebral Policy, et al. v. State of Georgia* (putative class action involving Georgia Medicaid program) (2014 – ongoing);
  - *State of Florida v. Sibelius* (challenge to PPACA) (2010-2012);
  - *United States v. Georgia* (challenge to Georgia's behavioral health delivery system) (2009 – ongoing);
- Commissioner, Sandy Springs Charter Review Commission (2011)
  - Board Member, Medical College of Georgia Health System, Chairman of Audit Committee (2010-2011)
  - Vice Chairman, Georgia Campaign Finance and Transparency Commission (2010-2011)

- Executive Counsel to Governor Sonny Perdue (2007-2009)
- Legal Counsel, Georgia House of Representatives Committee on the Judiciary (2006)
- Law Clerk, Chief Judge J.L. Edmondson, United States Court of Appeals for the Eleventh Circuit (2004-2005).

## Memberships

- Conservative Policy Leadership Institute, Chairman
- Georgia Chamber of Commerce, Law & Judiciary Committee
- Pace Academy Alumni Association, Past-President
- The Federalist Society, Member of the Board of the Atlanta Chapter
- To Remember, an organization dedicated to ending Alzheimer's Disease