



Michael (Mike) L. Eber

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Areas of Practice

Litigation/Trial Practice | Appellate | Class Action Litigation | Securities | Corporate Governance

Mike Eber is a Partner at SGR whose practice focuses on complex business litigation and appeals. Mike has significant experience representing both plaintiffs and defendants in arbitration, mediation, and state and federal courts.

Mike's appellate cases have addressed a broad range of issues, including class certification, constitutional law, securities law, attorneys' fee awards, insurance coverage, employment, attorney disqualification, and civil procedure. Recently, Mike argued and won three appeals in the U.S. Court of Appeals for the Fifth Circuit on behalf of business clients seeking to recover damages from the Deepwater Horizon oil spill. In the first case, Mike convinced the Fifth Circuit to vacate the denial of a \$4 million claim. After a favorable ruling on remand, the case was settled. In the second case, Mike defended a \$58 million claim, successfully arguing against Lisa Blatt, one of the nation's most prominent appellate advocates. And in the third case, Mike won affirmance of a \$28 million claim.

Prior to joining SGR, Mike was a partner at Rogers & Hardin and clerked for the Honorable Edward E. Carnes of the U.S. Court of Appeals for the Eleventh Circuit. Mike graduated with high honors from the Emory University School of Law, where he served as the Editor in Chief of the Emory Law Journal. He received the Paul Bryan Prize in Constitutional Law and the Mary Laura "Chee" Davis Award for Writing Excellence.

Mike has been named a Georgia Super Lawyer "Rising Star" in Business Litigation and Appellate Practice. He was also selected by his peers for inclusion in The Best Lawyers in America in the fields of Commercial Litigation (2022) and Mass Tort Litigation / Class Actions – Defendants (2021–2022).

Mike received his J.D., with high honors from Emory University School of Law and his B.G.S., with honors, Political Science from the University of Kansas.

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Experience

Complex Business Disputes

- Represented healthcare management consulting firm that sued a major Georgia hospital for breach of contract and tortious interference
- Represented a leading research university in defense of claims for breach of fiduciary duty and misappropriation of trade secrets
- Represented one of the largest community banks in the Southeast in a complex lender-liability dispute; briefed and won Daubert motion to exclude expert testimony underlying nearly all of the plaintiff's \$40 million damages theory
- Argued post-trial motions on behalf of former condominium association directors following an adverse jury verdict in the Northern District of Florida
- Represented a medical diagnostic services provider in defense of claims alleging misappropriation of trade secrets, breach of fiduciary duty, and breach of contract

Appellate Litigation

- Briefed, argued, and won a Georgia Court of Appeals case raising novel questions of nuisance liability, including whether a controversial business can be held liable for attracting third-party protestors. For news coverage of the decision, use these links: AJC, Law360, and Daily Report.
- Briefed, argued, and won three appeals in the U.S. Court of Appeals for the Fifth Circuit on behalf of business clients that recovered \$90 million under the Deepwater Horizon Economic & Property Damages Settlement
- Argued a Georgia Supreme Court appeal regarding constitutional and statutory challenges to a municipal annexation ordinance
- Authored U.S. Supreme Court amicus brief in the "water wars" case on behalf of Georgia local government and conservation organizations
- Won affirmance by the Georgia Court of Appeals of jury verdict in favor of financial advisor client
- Petitioned for certiorari to the Supreme Court of Georgia and obtained expedited ruling in client's favor on issue of appellate procedure
- Represented major international law firm in the Eleventh Circuit and obtained affirmance of an attorneys' fee award under Georgia's offer-of-judgment statute

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Class Actions

- Represented state-chartered bank in appellate litigation concerning enforceability of class action litigation waivers
- Represented mortgage company in defense of a putative class action alleging that “post-payment” interest was improperly collected from over 40,000 borrowers; obtained settlement for a fraction of potential damages
- Represented one of the country’s largest manufacturers of building and paper products in defense of products liability class actions

Government Contracts

- Successfully represented one of the nation’s largest health insurance administrators in response to a flurry of bid protests challenging a multi-billion dollar government contract
- Represented Atlanta construction company in a municipal contract dispute.

Admissions

Georgia

Court of Appeals of Georgia

Supreme Court of Georgia

United States District Court Northern District of Georgia

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals for the Eleventh Circuit

United States Supreme Court

Memberships

Barrister, Cooper Inn of Court, Emory University School of Law

American Bar Association

Atlanta Bar Association

State Bar of Georgia Appellate Practice Section

Eleventh Circuit Historical Society