



S. Gardner Culpepper III

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Areas of Practice

Litigation/Trial Practice | Class Action Litigation | Insurance Law | Health Care

S. Gardner Culpepper III is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP.

Gardner Culpepper specializes in complex commercial litigation and class action defense. He handles disputes involving trade secret misappropriation, insurance recovery (policyholder representation), indemnity, tortious interference, defamation, misrepresentation and fraud, products liability, fiduciary duties, false advertising, breached warranties made to consumers or in acquisition agreements, restrictive covenants, and high-value contracts. He also spent much of his career as national counsel for a manufacturing client, successfully defending against multiple statewide putative consumer class actions filed across the eastern United States and involving breach of warranty and product liability claims.

Gardner has successfully pursued numerous commercial 'plaintiffs' side cases across a wide array of disciplines, including most recently recovering tens of millions of dollars for corporate clients asserting fraud claims, breach of contract, and failure to honor buy-side representation and warranty insurance policy claims.

Gardner also has extensive experience seeking and resisting TROs and other injunctive relief, and his engagements routinely place him in state and federal court as well as before arbitration panels (including before the International Chamber of Commerce).

Gardner has been frequently recognized over the years as one of Georgia's top commercial litigators and class action lawyers in third-party publications such as Benchmark Litigation, The Best Lawyers in America®, and Super Lawyers. He is also a Martindale-Hubbell AV Preeminent Top Rated Lawyer. In 2009, he was identified by Atlanta's Daily Report as one of the top 12 lawyers under 40 in Atlanta. He also regularly speaks at Georgia CLE's on ethical and professionalism topics.

Continued

Experience

- Assisted private equity firm in achieving \$14 million recovery for policyholder under a buy-side representation and warranty policy
- Won motions to dismiss in multimillion-dollar putative statewide consumer fraud, breach of warranty, and product liability class actions filed in North Carolina and Florida federal district courts.
- Secured dismissal of \$30 million tortious interference and defamation suit filed against an international business communication solutions company.
- Through novel use of the inevitable disclosure doctrine, successfully prevented the threatened misappropriation of trade secrets belonging to a nationally recognized phonetic search technology company.
- Resisted TROs for one of the 'world's largest investment banks in non-compete and corporate raiding cases filed in Georgia.
- Co-defense counsel with other large national and international firms representing one of the world's largest wireless telecommunications companies in multiple international breach of contract and licensing disputes with hundreds of millions of dollars at issue, including two International Chamber of Commerce arbitrations.
- Defeated multiple defamation and business tort cases throughout the Southeast brought against one of the largest telecommunications services providers in the United States.
- Co-defense trial counsel in charge of expert witness cross-examination in murder case tried to completion in Fulton County Superior Court.
- Trial counsel in multiple insurance defense matters where defense verdicts were received.

Admissions

United States District Court Northern District of Georgia

Supreme Court of Georgia

Court of Appeals of Georgia

Court of Appeals of for the Eleventh Circuit

United States Court of Appeals for the Second Circuit New York

Memberships

Member of Board of Trustees for Atlanta Bar Association CLE

Lawyers Foundation – Fellow

State Bar of Georgia

American Bar Association

Defense Research Institute

Atlanta Bar Association

Recognitions

The Best Lawyers in America®, Atlanta, Commercial Litigation (2023-2025)

Chambers USA - Litigation: General Commercial, Georgia (2022-2024)

Benchmark Litigation - Local Litigation Star in Georgia for expertise in the General Commercial category

Martindale-Hubbell AV Preeminent Top Rated Lawyer

Super Lawyers - Georgia Super Lawyer in Class Action/Mass Torts; Construction Litigation; and Business Litigation (2014-2019)