



Joshua F. Thorpe

Of Counsel

📞 404-881-4109

📠 404-881-4111

✉️ thorpe@bmelaw.com

📍 1201 West Peachtree Street NW, Suite 3900
Atlanta, GA 30309

Biography

Josh Thorpe concentrates his practice on class action, appellate, and business tort work, representing plaintiffs and defendants.

His plaintiff-side experience includes a \$454 million breach of fiduciary duty judgment against Time Warner, a \$281 million breach of contract verdict against Turner Broadcasting System, and a \$192 million settlement in a class action race discrimination case.

On the defense side, his experience includes dismissals of civil RICO mass joinder actions against a major financial services firm, summary judgment in a class action against a major fintech firm, and dismissals and denials of class certification in consumer class actions against a major retailer.

Representative Matters

- Obtained reversal of dismissal of breach of contract class against auto insurer (*Cudd v. State Farm Mut. Auto Ins. Co.*, 2024 WL 65998 (11th Cir. Jan 5, 2024)).
- Assisted hotel operator in obtaining ruling barring breach of contract and breach of fiduciary duty action (*A&M Hospitalities, LLC v. Alimchandani*, 363 Ga. App. 531 (2023)).
- Assisted fintech firm in obtaining ruling affirming dismissal of action alleging negligent misrepresentation (*Global Payments, Inc. v. Incomm Fin. Servs., Inc.*, 308 Ga. 842 (2020)).

- Secured reversal of denial of class certification in action against bank alleging overdraft fees violate Georgia usury laws (*Bickerstaff v. SunTrust Bank*, 299 Ga. 459 (2016)).
- Obtained affirmance of \$281 million judgment in breach of contract action arising out of purchase agreement for two professional sports teams and arena operating rights (*Turner Broadcasting Sys., Inc. v. McDavid*, 303 Ga. App. 593 (2010)).
- Represented union in obtaining affirmance of dismissal of negligent misrepresentation claims arising out of a financial advisor program (*Atwater v. Nat'l Football League Players Ass'n*, 626 F.3d 1170 (11th Cir. 2010)).
- Assisted in obtaining reversal of \$457 million judgment in breach of contract action against manufacturer (*Weyerhaeuser Co. v. Lambert*, 2007 WL 2826957 (N.D. Ga. Sept. 26, 2007)).
- Assisted in obtaining affirmance of \$454 million judgment in breach of fiduciary duty action against entertainment company (*Time Warner Ent'mt Co., L.P. v. Six Flags Over Ga., LLC*, 254 Ga. App. 598 (2002)).
- Represented plaintiffs in obtaining affirmance of \$17 million award in reverse discrimination suit against government-operated library (*Bogle v. McClure*, 332 F.3d 1347 (11th Cir. 2000)).

Plaintiff Class Action Representation

- Obtained class certification in trial court and affirmance of class certification on appeal in action alleging that overdraft fees violate Georgia usury laws (*SunTrust Bank v. Bickerstaff*, 349 Ga. App. 794, 824 S.E.2d 717 (2019)).
- Secured a \$16.5 million settlement in a class action arising out of residential delivery fees (*Gokare v. Federal Express Corp*, 2013 WL 12094870 (W.D. Tenn. Nov. 22, 2013)).
- Obtained reversal of denial of class certification in civil RICO action alleging employment of undocumented workers and subsequent \$18 million settlement (*Williams v. Mohawk Indus., Inc.*, 568 F.3d 1350 (11th Cir. 2009); *Williams v. Mohawk Indus., Inc.*, 2010 WL 11500061 (N.D. Ga. July 22, 2010)).
- Represented class in employment discrimination class action resulting in \$192 million settlement (*Ingram v. The Coca-Cola Co.*, 200 F.R.D. 685 (N.D. Ga. 2001)).

Class Action Defense Representation

- Successfully represented a university in obtaining dismissal of class action seeking refund of tuition and fees for a putative class of students (*Koerner v. Mercer Univ.*, No. 5:24-cv-00083 (M.D. Ga. June 21, 2024)).
- Secured dismissal of mass joinder actions filed by plaintiffs asserting civil RICO claims (*Kearney v. Oppenheimer & Co.*, *Wright v. Oppenheimer & Co.* (Fulton Cty. Super. Ct. Apr. 22, 2024)).
- Obtained denial of class certification in consumer class action alleging unfair trade practices (*Blobner v. R.T.G. Furniture Corp.*, 2019 WL 3808130 (M.D. Fla. July 24, 2019)).
- Secured grant of partial summary judgment in FCRA class action arising out of employee

background checks; case later dismissed with prejudice (*Baccay v. Heartland Payment Sys., LLC*, 2019 WL 337585 (D.N.J. Jan. 28, 2019)).

- Obtained dismissal with prejudice in class action alleging underpayment of drivers (*Colon v. SE Independent Delivery Servs., Inc.*, No. 8:17-cv-1578 (M.D. Fla.)).
- Secured dismissal of action alleging payment processor overcharged putative class of merchants (*Cobra Tactical, Inc. v. Payment Alliance Int'l Inc.*, 315 F. Supp.3d 1342 (N.D. Ga. 2018)).

Honors & Awards

- Georgia Local Litigation Star, Benchmark Plaintiff, 2012
- Georgia Super Lawyer, 2006 - 2009
- Georgia Rising Star, 2005

Credentials

Education

- Duke University School of Law, J.D., 1991, High Honors
 - Order of the Coif
 - Note Editor, Duke Law Journal
 - Moot Court Board, Member
- Harvard University, B.A., 1988, Honors

Previous Experience

- Law Clerk, Judge Orinda D. Evans, U.S. District Court for the Northern District of Georgia, 1991-1992

Admissions

- State Bar of Georgia
- Supreme Court of Georgia
- Georgia Court of Appeals
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Supreme Court
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Middle District of Georgia
- U.S. District Court for the Northern District of Georgia

Thought Leadership

- Author, “Don’t Fence Reves In: The Decision is Not Limited to Professionals,” – *Civil RICO Report*, *Buraff Publications*, Vol. 9, 50, Part 2