



Walter H. Bush

OF COUNSEL

ATLANTA

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Overview

Walter Bush has significant experience representing and counseling clients in both trial and appellate matters, including class actions and other civil controversies of major significance over a broad range of industries, including insurance coverage, general aviation liability and coverage, professional negligence, corporate governance, securities fraud, directors and officers liability, and media and First Amendment matters. Walter has been lead or co-lead counsel in a number of appeals of both legal and public significance.

Walter is a member of the advisory board of the Reynolds National Center for Courts and Media of Reno, Nevada, and of the Professional Liability Underwriting Society.

Experience

- Defended internationally known recording artist/TV personality in suit involving claims of defamation and invasion of privacy by reality show hosted and co-produced by defendant.
- Defended world-famous author in suit for copyright infringement arising from claim made by author of prior published novel.
- Represented directors and officers liability insurer in suit for coverage by closely held entity seeking \$10 million in defense costs as well as penalties for bad faith for suit by minority shareholders for fraud in the sale of securities. Summary judgment granted to insurer by federal district court; now on appeal to the Eleventh Circuit.
- Represented national title insurance underwriter in administrative enforcement action by state department of insurance seeking potential license revocation, recoupment of alleged underpaid premium taxes, and imposition of multimillion-dollar fines and penalties regarding alleged unfair consumer trade practices in policy pricing.
- Represented majority owners of restaurant chain in corporate control dispute, resulting in court-enforced valuation and buyout of minority shareholder.
- Defended suits in South Carolina and Georgia federal courts by banks for recovery under fidelity bonds for loan losses resulting from residential land development scheme in North Carolina involving loan losses in excess of \$100 million in which banks sought to make closing attorney a covered employee

under terms of the bonds.

- Defended surplus lines insurance carrier in suit by bankruptcy trustee for coverage under investment management policy alleged to cover investment advisor accused of Ponzi scheme resulting in significant unpaid investor losses.
- Represented individual taxpayer and closely held corporations in defense of suit for expenses by participants in disallowed tax shelter arising from sale of international business and involving major law and accounting firms as co-defendants.
- *Langdale Co. v. Nat'l Union Fire Ins. Co. of Pittsburgh*, 609 F. App'x 578 (11th Cir. 2015). Represented directors and officers liability insurer in suit for coverage by closely held entity seeking \$10 million in defense costs as well as penalties for bad faith for suit by minority shareholders for fraud in the sale of securities. Summary judgment granted to insurer by federal district court; affirmed by the Eleventh Circuit.
- *In re Int'l Mgmt. Assocs., LLC*, No. 1:06-bk-62966, 2012 WL 2105908 (Bankr. N.D. Ga. Apr. 3, 2012). Adversary proceeding involving coverage under a financial advisor policy for investments in the millions lost by current and former professional athletes in a Ponzi scheme. Summary judgment for insurer affirmed by district court following extensive discovery.
- *Wellons, Inc. v. Lexington Ins. Co.*, 931 F. Supp. 2d 1228 (N.D. Ga. 2013), *aff'd*, 566 F. App'x 813 (11th Cir. 2014). Coverage analysis and defense under primary and excess policies of high-dollar claim for coverage of judgment against insured arising out of litigation by purchaser of industrial equipment for allegedly improper construction and installation of equipment and alleging failure to provide adequate notice of reservation of rights in defense of underlying litigation.
- *Williams Serv. Grp., LLC v. Nat'l Union Fire Ins. Co. of Pittsburgh*, 495 F. App'x 1 (11th Cir. 2012). Breach of contract action involving a series of complex insurance contracts from 1990-1997 under which the defendants provided workers' compensation and general liability coverage to the plaintiff.
- *Holder Constr. Co. v. Estate of Mack Pitts*, 735 S.E.2d 772 (Ga. 2012). Family and estate of subcontractor's employee, who was struck and killed by sub-subcontractor's truck while he was constructing an airport terminal, brought action against city, contractor, and subcontractor alleging that they owed contractual duties to ensure that sub-subcontractor carried automobile liability insurance sufficient to satisfy claims up to \$10 million.
- *Lucas v. Buyers' Guide*, No. 2008 GACA A07A2069 -020608 (Ga. Super. Ct. 2008). Suit for libel and libel per se as a result of newspaper publication of two articles concerning developer's "clear cutting" of school board property; limited discovery; obtained summary judgment for newspaper; affirmed on appeal by Georgia Court of Appeals.
- *Columbus Ledger-Enquirer v. Muscogee Cty. Sch. Bd.* (Ga. Super. Ct. 2008). Suit under Georgia Open Records Act to obtain demand letters submitted by attorneys for students allegedly sexually molested by high school teacher; order of court granted in favor of newspaper.
- *Macon Tel. Publ'g Co. v. Tatum*, 436 S.E.2d 655 (Ga. 1993). Invasion of privacy claim based on publication of name of victim of alleged sexual assault.
- *Macon Tel. Publ'g Co. v. Bd. of Regents of Univ. Sys. of Ga.*, 350 S.E.2d 23 (Ga. 1986). Newspaper access to University of Georgia Athletic Association records under Open Records Act.
- *Baptist Convention of State of Ga. v. Shorter Coll.*, 596 S.E.2d 761 (Ga. Ct.

App. 2004), *aff'd sub nom. Shorter Coll. v. Baptist Convention of Ga.*, 614 S.E.2d 37 (Ga. 2005). Suit over ownership and control of a liberal arts college.

- *Morton v. Ga. Dep't of Agric.* (Ga. Super. Ct. 2007). Suit to force the Georgia Department of Agriculture to enforce state law prohibiting the use of carbon monoxide gas chambers to euthanize companion animals by state licensed animal shelters; obtained mandatory injunction requiring Department to enforce statutes and, after continued failure to do so, obtained order holding Department and its commissioner in contempt).
- *BKJB P'ship v. Moseman*, 644 S.E.2d 8742 (Ga. Ct. App. 2007). Lead counsel in defense of former Am Law 100 partner in suit arising out of prior litigation against BKJB partnership, motion to dismiss granted by trial court and affirmed by Georgia Court of Appeals.
- *Allen Ins., Inc. v. Canadyne Ga. Corp.* (Ga. Super. Ct. 2007). Lead counsel in defense of commercial property damage claim alleging contamination from Superfund site; settled on eve of trial.
- *Canadyne-Georgia Corp. v. Cleveland*, 72 F. Supp. 2d 1373 (M.D. Ga. 1999).
- *Canadyne-Georgia Corp. v. NationsBank, N.A. (South)*, 982 F. Supp. 886 (M.D. Ga. 1997).
- *Canadyne-Georgia Corp. v. NationsBank, N.A. (South)*, 183 F.3d 1269 (11th Cir. 1999) (series of CERCLA Cost Recovery Cases).
- *Hart v. Marion A. Allen, Inc. of Ga.*, 440 S.E.2d 26 (Ga. Ct. App. 1993) (enforceability of restrictive covenant in employment contract).
- *Neely v. McCants*, 368 S.E.2d 516 (Ga. 1988) (application of Open Meetings Act to county commission meeting regarding hazardous waste incinerator).

All Insights

06.29.2015	Eleventh Circuit Affirms Summary Judgment for Insurer Based on 'Other Capacity' Exclusion
02.23.2015	Georgia Trial Court Limits the Protection of Georgia's Anti-SLAPP Statute
07.16.2014	Georgia Court of Appeals Expands Lenders' Ability to Pursue Guarantor Deficiency Judgment Suits Beyond Foreclosure Confirmations
01.13.2012	Out of Houston? The Venue Argument in the Skilling Case
10.03.2010	New Registration Requirements for Foreclosed Properties in DeKalb County, Georgia: Stiff Penalties for Failing to Register
06.18.2009	Case Study: Using the Virtual Law Firm Concept and a Fixed Fee Arrangement in a Mass Tort Setting
03.11.2008	Professionalism

10.31.2007 Best Practices

11.30.2004 Use and Misuse of O.C.G.A. § 9-11-30(b)(6)

03.22.2004 Baptist Victory over College May Stall Other Secular Bids

All News

08.15.2017 78 Carlton Fields Attorneys Named “Best Lawyers in America”

Recognition

- AV Rated by Martindale-Hubbell
- *The Best Lawyers in America*, Product Liability Litigation – Defendants (2016–2021)
- Georgia Super Lawyers, *Super Lawyers Magazine* (from inception through 2016)
- Georgia Legal Elite, *Georgia Trend Magazine* (2007, 2013)

Professional & Community Involvement

- American Bar Association
 - Section of Litigation
 - Forum on Communications Law
 - First Amendment and Media Law Committee
- State Bar of Georgia
 - Programs Committee (2011–present)
 - Business Court Committee (2011–present)
 - Former Member, Statewide Judicial Evaluation Committee for District 5
 - Former President, Younger Lawyers Section
- Judicial Nominating Commission of the State of Georgia
- Georgia Chamber of Commerce
 - Former Director
- Georgia Institute for Continuing Legal Education
 - Past Member and Board of Trustees
- Georgia Press Association
 - Associate Member
- Leadership Georgia
- Central Georgia Regions, Colonial Bank
 - Former Director

- First Macon Bank & Trust Company
 - Former Chairman and Charter Board of Directors Member

Speaking Engagements

- “Free Press v. Fair Trial in the Skilling Case” and “Will Social Media Re-Write Traditional Venue Law?,” Reynolds National Center for Courts and Media Winter Regional Conference, Houston, TX (January 26, 2011)
- “Litigation & Dispute Resolution Management: Aligning Strategy, Budget and Support,” Martindale-Hubbell Counsel to Counsel Forum, Chicago, IL (June 19, 2009)
- “Liability for Communications in an Electronic World,” Second Annual U.S. Litigation Seminar, London (October 14, 2004)
- “Expert Witness Testimony in Georgia After 2005 Tort Reform,” 24th Annual Insurance Law Institute (September 24, 2005)
- “Abusive Discovery Practices,” 23rd Annual Insurance Law Institute (September 30, 2004)

Credentials

EDUCATION

- University of Georgia School of Law (J.D., 1975)
- University of Georgia (B.A., 1972)

BAR ADMISSIONS

- Georgia

COURT ADMISSIONS

- U.S. Supreme Court
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Georgia
- U.S. District Court, Northern District of Georgia
- U.S. District Court, Southern District of Georgia
- U.S. Tax Court

Areas of Focus

PRACTICES

- Appellate & Trial Support
- Aviation
- Life, Annuity, and Retirement Solutions
- Mass Tort and Product Liability
- Media, Entertainment, Music & Sports
- Real Property Litigation
- Title Insurance

INDUSTRIES

- Banking, Commercial, and Consumer Finance

