

(Do Not Write Above This Line)

A COMMUNICATION

BY MAYOR KASIM REED

APPOINTING WILLIAM K. WHITNER, ESQ. TO SERVE ON THE CITY OF ATLANTA AND FULTON COUNTY RECREATION AUTHORITY. THIS APPOINTMENT IS FOR A TERM OF FOUR (4) YEARS AND FILLS THE SEAT OF LINDA DISANTIS WHOSE TERM EXPIRED ON JANUARY 15, 2011.

CONFIRMED BY

APR 18 2011

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

3/21/11

Referred To:

CD/HR+CC

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee CD/HR

Date 3/29/11

Chair James M. Shepper

Action _____

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

Refer To CC

Committee CC

Date 4/18/11

Chair James M. Shepper

Action _____

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

James M. Shepper
James M. Shepper
John A. ...

Refer To _____

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

Refer To _____

FINAL COUNCIL ACTION

2nd

1st & 2nd Readings

3rd

Consent

V Vote

RC Vote

CERTIFIED

APR 18 2011

ATLANTA CITY COUNCIL PRESIDENT

APR 18 2011

MUNICIPAL CLERK

MAYOR'S ACTION



11- C-0457

CITY OF ATLANTA

55 TRINITY AVENUE, S.W.
ATLANTA, GEORGIA 30303-0300
TEL (404) 330-6100

KASIM REED
MAYOR

CONFIRMED BY
APR 18 2011
COUNCIL

March 17, 2011

Council President Ceasar Mitchell
and City Councilmembers
55 Trinity Avenue, SW
Suite 2900
Atlanta, Georgia 30303

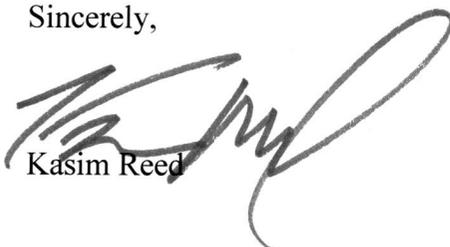
Re: Appointment – William K Whitner, Esq.
City of Atlanta and Fulton County Recreation Authority

Dear President Mitchell and Members of the Council:

It is my pleasure to appoint **William K Whitner, Esq.** to serve as a member of the City of Atlanta and Fulton County Recreation Authority on behalf of the City of Atlanta. William K Whitner, Esq. is a resident of the City of Atlanta and is willing to serve in this capacity. This appointment is for a term of four (4) years and will **fill the seat of Linda DiSantis whose term expired on January 15, 2011.**

Based on his experience and commitment to the community, I am confident that William K Whitner, Esq. will serve the City of Atlanta and Fulton County Recreation Authority with integrity and dedication. A copy of his qualifications is attached for your review.

Sincerely,



Kasim Reed

WILLIAM K WHITNER
Partner, Litigation Department
Paul, Hastings, Janofsky & Walker LLP
600 Peachtree Street, N.E., Suite 2400
Atlanta, GA 30308
Tel: (404) 815-2400 Fax: (404) 815-2424
kwhitner@paulhastings.com

PROFILE

Accomplished attorney whose practice focuses on litigation with a particular emphasis on complex civil corporate matters. Wide-ranging substantive commercial experience includes contract disputes, business torts, intellectual property, franchise, securities fraud class actions, and entertainment related matters. Represents many large global and national companies in federal, state and arbitration tribunals around the country at the trial and appellate levels. Identified in *Best Lawyers in America*; recognized as a leading litigation lawyer in Euromoney's *Benchmark: America's Leading Litigation Firms and Attorneys* (2011); listed on *The Root 100* for 2010, which recognizes African-American leaders making extraordinary contributions; named a Rising Star by *Super Lawyers*, is "AV" rated by Martindale-Hubbell, and was named by the National Bar Association as one of the "Nation's Best Advocates: 40 Lawyers Under 40" (2010).

LEGAL EXPERIENCE

Paul, Hastings, Janofsky & Walker LLP, *Partner*, Atlanta office, 1998-present

- Chair of Atlanta Litigation Department
- Hiring Partner
- Chair of Diversity Committee
- Awarded the firm's *2009 Paul Grossman Award for Excellence* in training, mentoring, and guiding the professional development of associates.

Representative Clients

Bank of America, Wachovia, LexisNexis, General Electric, Toshiba, HomeBanc, Reed Elsevier Inc., and International Franchise Association.

Recent Cases

- Represents the former officers and directors of publicly-traded mortgage lending company HomeBanc in securities fraud class action. *Eldon Kadel, et al. v. Patrick S. Flood, et al.*, U.S. District Court for the Northern District of Georgia, Atlanta Division, Civil Action No. 1:08-CV-01461-HTW. Motion to dismiss granted, with prejudice on all counts, currently on appeal before the Eleventh Circuit.
- Represents Southwire Company in license agreement dispute involving allegations of \$500M in damages. *NeWire, Inc. vs. Southwire Company*, In the Chancery Court for the State of Tennessee, 18th Judicial District (Sumner County), Case No. 2011C-21.
- Represents LexisNexis in putative class action alleging constitutional violations, breach of contract and fraud related to mandatory electronic filing. *Clowdus, et al. vs. Fulton County, Georgia, et al.*, In the Superior Court of Fulton County, Georgia, Civil Action File No. 2010-CV-179757.

- Represented the oldest and largest trade association in the world devoted to representing the interest of franchising, International Franchise Association, in an *amicus curiae* filing before the Georgia Supreme Court. *Atlanta Bread Company International, Inc. v. Sean Lupton-Smith, et al.*, Supreme Court of Georgia, Case No. S08C1815. The case was the catalyst to the passage of a 2010 bill to amend the Georgia Constitution and revamp Georgia law regarding noncompetes.
- Represented Bank of America in securing a judgment on the pleadings against defaulting borrowers and guarantors in *Bank of America, N.A. vs. Tampa Financial Company, Inc.*, Civil Action No. 2009-CV-172097, Superior court of Fulton County, State of Georgia.
- Represented leading global manufacturer of office equipment and its acquired companies in several actions involving breaches of contract and tortious interference with contract and prospective relations. *TOPAC Acquisition Corporation v. Lanier Worldwide, Inc., et al.*, State of Minnesota District Court, County of DaKota, First Judicial District, Court File No. 19-C1-04-6654; *Business Methods, Inc. vs. Lanier Worldwide, Inc.*; *Lanier Worldwide, Inc. v. Business Methods, Inc.*, American Arbitration Association, Case No. 30 181 Y 01086 04; *Lanier Worldwide, Inc. s. Stringer Business Systems, Inc., et al.*, American Arbitration Association, Case No. No. 30 Y 118 00241 04.

Recent Speaking and Writing Engagements

- Co-authored the ABA's *Franchise and Distribution Law Developments*, 2010 edition.
- Presented *Annual Developments* at ABA's Forum on Franchising, October 2010.
- 2009 and 2010 speaker at Emory Law School regarding *Diversity in the Legal Profession*.
- Co-authored article and participated in multiple panel presentations at the ABA's 32nd Annual Forum on Franchising in Toronto, Canada, October, 2009, on the topic of *Recent Trends in Litigating Non-Compete Agreements*.
- 27th Annual Business Law Institute, October 2008, *Business Litigators Look at Deal Lawyer Documents: Understanding ADR, Arbitration and Other Boilerplate You May Be Overlooking*.
- Co-authored article and participated in multiple panel presentations at the ABA's 30th Annual Forum on Franchising in Phoenix, AZ, October 2007, on the topic of *Rediscovering Subjectivity: Does the U.C.C.'s Open-Price Doctrine Offer New Theories for Reigning in Discretion and Filling in Gaps in Franchise Contract Rights?*
- Speaker for Atlanta Business Chronicle's *Libel Seminar for Reporters*.

Bar Admissions and Involvement

- Admitted to the Bar of the State of Georgia, Georgia Supreme Court, Eleventh Circuit Court of Appeals, and the United States District for the Northern District of Georgia
- National Bar Association
- DRI
- Charter Fellow of the Litigation Counsel of America
- Fellow of the Lawyers Foundation of Georgia
- Founding member of the Business Law Committee for the Georgia Bar
- Member of the Women & Minorities in the Profession Committee for the Georgia Bar
- Served two terms on the Georgia Supreme Court's Commission on Access and Fairness in the Courts

EDUCATION

Yale Law School, *Juris Doctor*, 1996

- *Journal of Yale Law and Policy Review*
- Moot Court Board
- Barristers' Union Trial Board
- Black Law Students Association (BLSA)
- Big Brothers

Georgetown University, *B.A. in Government*, 1993

- *Cum laude*
- Psychology and Political Science Honor Societies
- BSA

COMMUNITY INVOLVEMENT

- Emerge Advisory Board, 2010 - present
- Leadership Atlanta, 2009 - present
- 100 Black Men of America, 2005 - present
- Anti-Prejudice Consortium, Advisory Board and General Counsel, 2003 - present
- Member of Kappa Alpha Psi Fraternity Incorporated, 1991 - present

LEGAL_US_E # 92207464.1

RCS# 964
4/18/11
2:53 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 11-C-0454, 0455, 0456, 0457, 0458, 0516, 0518
0521, 0522, 0524, 0525
CONFIRM

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Bond
B Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	B Bottoms	NV Willis
NV Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE