



Brian A. Hill

MEMBER

Brian Hill focuses on complex commercial cases and has extensive experience litigating cases involving the federal Anti-Terrorism Act, fiduciary and other professional liability, class actions, government contract disputes and false claims and intellectual property rights. He has significant experience in local and federal courts in the District of Columbia and the surrounding area, including the "Rocket Docket" of the United States District Court for the Eastern District of Virginia.

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PRACTICES

Complex Civil Litigation
Coronavirus Task Force
ERISA & Employee Benefits Litigation
False Claims Act Litigation
Government Contracts Counseling & Litigation

EDUCATION

- J.D.
Georgetown University Law Center
magna cum laude, Order of the Coif
1996
- B.A.
Southwest Missouri State University
summa cum laude
1993

Mr. Hill's fiduciary litigation experience includes multimillion dollar claims involving the fiduciary duties of corporate shareholders, directors, officers, Employee Retirement Income Security Act (ERISA) plan fiduciaries and investment managers and inside and outside counsel. He has represented corporations, insurers, non-profits and beneficiaries in actions alleging breach of fiduciary duties by directors, officers, plan fiduciaries, agents and trustees.

REPRESENTATIVE ENGAGEMENTS

- *Hunter, et al. v. Berkshire Hathaway Inc.* (N.D. Tex) (pending). Representation of holding company and operating subsidiary in putative class action alleging violations of ERISA, breach of fiduciary duty and breach of contract.
- *The Family Federation for World Peace and Unification v. Moon* (DC Super. Ct) (pending). We are counsel to three Unification Church entities in their action against the directors of a non-profit corporation established to support the Unification Church. The suit alleges that the current directors breached their fiduciary duty to the non-profit when they amended its articles of incorporation to change the non-profit's primary purpose and then diverted hundreds of millions of dollars in assets to a new purpose. The case already has included two appeals, both resolved in our clients' favor. In 2018, the Superior Court of the District of Columbia entered summary judgment in our clients favor on the breach of fiduciary duty claims and at the end of 2020 the Superior Court awarded plaintiffs remedies for the breach including removal of the breaching directors and surcharge for the hundreds of millions of dollars in diverted assets. Additionally, the U.S. Court of Appeals for the Second Circuit, upheld a different judge's dismissal of another case brought against multiple Unification Church entities in New York.
- *Davis, et al. v. PBGC* (D.DC). Representation of more than 1,700 retired pilots of US Airways, Inc. in federal district court against the Pension Benefit Guarantee Corporation (PBGC). This ERISA-based action, emanating out of US Airways' bankruptcy and its related decision to effect a distress termination of its pension plan, asserted several claims for equitable and declaratory relief, including that PBGC failed to properly investigate breaches of fiduciary duty by prior plan managers.
- *Rutherford v. Group Hospitalization and Medical Services* (D.DC). Representation of health insurer in putative class action alleging violation of consumer protection act and breach of fiduciary duty. Case was settled and dismissed.
- *Kopy Kween, Inc. v. March* (DC Super. Ct). Representation of individual in action brought

by former employer for breach of a confidentiality and non-competition agreement. Case was settled and dismissed. Successfully opposed plaintiff's motion for preliminary injunction prior to dismissal.

- *Heller, et al., Trustees of Electrical Workers Local No.26 Pension Trust Fund v. Nicholas Applegate Capital Management, LLC and Trust Fund Advisors, et al.* (D.DC); *Trustees of the Operating Engineers Pension Trust Fund v. Trust Fund Advisors, Inc.* (D.D.C). Representation of investment manager in related breach of fiduciary duty actions brought by two Taft-Hartley Funds. Cases were settled through mediation and dismissed. Litigation issues included alleged failure to disclose material facts relating to investment manager personnel and allegedly imprudent investment decisions.
- *In re ULLICO Inc.* (D.DC). Representation of corporation and ERISA qualified and non-qualified plans in breach of fiduciary duty action against former officers and plan fiduciaries. Case was settled through mediation and dismissed. Litigated issues included propriety of insider stock offers and redemptions, Plan Amendments, benefit eligibility and ability of Plan and company to offset benefits against other debts owed by former fiduciaries.
- *In re Global Crossing Ltd, et al.* (S.D.N.Y.). Representation of corporations in bankruptcy action brought against former shareholders of Global Crossing for breach of fiduciary duty. Case was settled through mediation and dismissed. Litigation issues included liability of shareholder for alleged breaches of fiduciary duty by director appoint by shareholder.
- *Ullico Casualty Co, et al. v. EW Blanch Co, Inc, et al.* (D.DC). Representation of property and casualty insurer in action against former agent for breach of fiduciary duty. Case was settled and dismissed. Litigation issues included claims for breach of the duty of loyalty.
- *Carabillo v. Ullico Inc Pension, et al.,* (U.S. Circuit Court of Appeals - DC Circuit). Representation of employee benefit plans in connection with motion for preliminary injunction seeking immediate payment of benefits. Denial of Injunction was affirmed on appeal.
- *Ullico Inc. v. West* (DC Super. Ct); *Ullico Inc. v. McNulty* (DC Super. Ct); *Ullico Inc. v. Bernard* (DC Super. Ct); *Ullico v. Casstevens* (DC Super. Ct). Representation of corporation in actions brought against former directors for improper transactions in company stock. Cases were settled and dismissed. Litigation issues included claims involving interested director transactions, failure to disclose and breach of duty of loyalty.

RANKINGS AND RECOGNITION

- DC Bar Capital Pro Bono Honor Roll, 2015, 2018 - 2020
- DC Bar Capital Pro Bono High Honor Roll, 2016
- *Legal 500*: Labor & Employment: ERISA Litigation, 2013 - 2015
- *National Law Journal* Top 100 Verdicts of 2002 (No. 74)

AFFILIATIONS

- Co-Chair, Books Subcommittee, Business Torts and Unfair Competition Committee, Section of Litigation, American Bar Association

- Co-Chair, Procurement Fraud and False Claims Committee, Section of Public Contract Law, American Bar Association
- Member, Section of Litigation, American Bar Association
- Member, Board of Directors, Council for Court Excellence

ADMISSIONS

Bar Admissions

- District of Columbia
- Missouri

Court Admissions

- United States District Court for the District of Columbia
- United States District Court for the District of Maryland
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the District of Columbia Circuit
- United States Court of Appeals for the Federal Circuit
- United States Court of Federal Claims

CLERKSHIPS

- Clerk, The Honorable John M. Steadman, District of Columbia Court of Appeals