



bhill@milchev.com
(202) 626-6014

PRACTICES

Complex Civil Litigation
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

Brian A. Hill

MEMBER

Brian Hill focuses his practice on complex commercial cases and has extensive experience litigating matters involving fiduciary and other professional liability, government contract disputes and false claims, cybersecurity, business torts, class actions, and the Anti-Terrorism Act. He has significant experience in the Superior and District court of the District of Columbia and the surrounding area, including the "Rocket Docket" of the United States District Court for the Eastern District of Virginia.

Mr. Hill's fiduciary litigation experience includes multi-million-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.

Mr. Hill's government contracts litigation experience includes defending multi-million-dollar claims under the federal False Claims Act and successfully bringing claims for breach of contract, defective specifications, and superior knowledge.

Many of Mr. Hill's cases involve international clients and transnational discovery, including requests for discovery for assistance in foreign actions under 28 U.S.C. § 1782, and for discovery in domestic litigation under the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters.

Representative Engagements

- *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.
- *Wright et al. v. Elton et. al.* (D. Del.). Representation of an individual in ERISA coverage action seeking contributions to a trust that existed prior to ERISA's

enactment.

- *Hunter, et al. v. Berkshire Hathaway Inc.* (N.D. Tex). Representation of a holding company and operating subsidiary in putative class action alleging violations of ERISA, breach of fiduciary duty, and breach of contract.
- *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 a health insurer in a 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 an 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 an 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 a 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 a 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 a 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.
- *Azima v. Del Rosso, et al.* (M.D.N.C.) Representation of an individual in cybersecurity case alleging misappropriation of trade secrets through hacking.
- *Holland v. Thaim et. al.* (Sup. Ct. NY Cty.) Representation of international corporations and individuals in case alleging fraud arising from investments in West Africa.
- *Azima v. Handjani* (S.D.N.Y.) Representation of an individual in request for assistance in connection with litigation in the U.K. under 28 U.S.C. § 1782.

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

- Vice-Chair, Fiduciary Duty Subcommittee, Business Torts and Unfair Competition Committee, Section of Litigation, American Bar Association (ABA)
- Chair, Books Subcommittee, Business Torts and Unfair Competition Committee, Section of Litigation, ABA
- Vice-Chair, Procurement Fraud and False Claims Committee, Section of Public Contract Law, ABA
- Member, Section of Litigation, ABA
- Member, Board of Directors, Council for Court Excellence
- Member, The Federalist Society

Admissions

STATE ADMISSIONS

- District of Columbia

- Missouri

Clerkships

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