

## Brian D. Boone

Partner

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Head of Alston & Bird's Appellate Team, Brian Boone has represented clients before the U.S. Supreme Court, federal and state trial and appellate courts, and arbitration panels in cases involving constitutional law, health care, ERISA, antitrust, RICO, the False Claims Act, securities, and state consumer-fraud laws. Brian focuses his practice on defending Fortune 500 companies against putative class actions and other complex litigations.

Brian has convinced the U.S. Supreme Court to grant review for his clients in a putative class action and then to rule in those clients' favor on the merits, convinced multiple district courts to deny class certification in ERISA cases against a Fortune 500 health care company, argued and won a complex commercial dispute before the Second Circuit (securing a large judgment for his clients), argued and won an antitrust appeal in Louisiana, and defended companies in more than a dozen commercial arbitrations.

*The Best Lawyers in America*® has recognized Brian as a leading appellate attorney, and *North Carolina Super Lawyers* named Brian to its "Rising Stars" list from 2014 to 2017.

Before entering private practice, Brian served as a judicial clerk to the Honorable Karen J. Williams of the U.S. Court of Appeals for the Fourth Circuit.

### **Representative Experience**

- Defeated class certification in multiple ERISA cases against a Fortune 500 company.
- Petitioned the U.S. Supreme Court in *Dart Cherokee Basin Operating Co. LLC v. Owens*, No. 13-719, resulting in a ruling in the clients' favor on the merits.
- Served as appellate counsel in a complex commercial dispute before the Second Circuit. The Second Circuit affirmed a \$10 million judgment in the clients' favor.
- Representing a client in trial court and appellate proceedings relating to Special Counsel Robert Mueller's investigation.
- Defending a Fortune 500 health care company against multiple putative nationwide class actions.
- Represented 77 former state attorneys general as amici curiae supporting former Virginia Governor Bob McDonnell's case before the U.S. Supreme Court challenging his convictions for public corruption. The Supreme Court vacated McDonnell's convictions and cited the brief from the attorneys general in its opinion.
- Served as appellate counsel for a Fortune 100 company in an antitrust appeal in Louisiana. The appellate court ordered the dismissal of all claims against the client.
- Served as appellate counsel before the Supreme Court of Georgia in a commercial dispute over Ferrari race cars.
- First chair in multiple favorable expedited arbitrations for a Fortune 500 company.

- Defended Georgia’s business judgment rule before the Supreme Court of Georgia.
- Represented a natural gas joint-action agency in federal litigation over hedge prices.
- Representing the U.S. Chamber of Commerce as amicus curiae in multiple cases across the country on issues ranging from the reach of public-nuisance law to the standards for class certification to constitutional checks on verdicts.
- Represented a global automobile manufacturer in one of the largest multidistrict litigations in history.
- Represented a large bank in consolidated, nationwide consumer class actions challenging checking account overdraft fees.
- Represented a national satellite television provider in putative nationwide antitrust class actions challenging the National Hockey League’s and Major League Baseball’s systems for distributing telecasts of live games.
- Served as appellate counsel in multiple cases before the Fourth Circuit.
- Represented a GPO trade association as amicus curiae supporting certiorari to the U.S. Supreme Court in an antitrust case about above-cost market share and volume discounts.

## ***Publications & Presentations***

### ***Publications***

- “War of the Words: Pled vs. Pled,” *The Daily Report Online*, January 15, 2013.

### ***Presentations***

- “Trial and Appellate Lawyers: Partnering Before, During, and After Trial,” North Carolina Bar Association, September 28, 2018.
- “Supreme Court Review: Justice Scalia’s Legacy and the Supreme Court Going Forward,” Federal Bar Association for the Western District of North Carolina, December 2017.
- “Supreme Court to Consider Honest-Services Fraud: *Robert F. McDonnell v. United States*,” podcast, George Washington University Law School, February 5, 2016.

## ***Professional & Community Engagement***

- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third, Fourth, Ninth, Eleventh, D.C., and Federal Circuits
- U.S. District Courts for the Eastern and Western Districts of North Carolina
- U.S. District Court for the Northern District of Georgia
- U.S. District Court for the District of Columbia
- Supreme Court of Georgia

## ***Education***

- Emory University (J.D., 2006)
- King College (B.A., 1998)

## ***Admitted to Practice***

- North Carolina
- District of Columbia

- Georgia

*Related Services*

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