



## Brent W. Brougher

### Partner

1100 Peachtree Street NE  
Suite 2800 , Atlanta , GA USA 30309

t 404.815.6654 | f 404.541.3130

Two Embarcadero Center

Suite 1900 , San Francisco , CA USA 94111

t 404.815.6654 | f 404.541.3130

bbrougher@kilpatricktownsend.com

### Services

Complex Commercial Litigation

Brent Brougher is a first chair trial lawyer with broad commercial litigation experience. He has successfully handled numerous jury and bench trials, mediations, arbitrations, and appeals. Mr. Brougher's primary recent emphasis has been pursuing insurance coverage on behalf of corporate policyholders in complex, high-profile matters across the country.

As a member of the California and Georgia bars, Mr. Brougher has a national litigation practice representing entities of all sizes. Mr. Brougher's recent emphasis has been on representing businesses seeking the recovery of insurance assets through negotiation, ADR proceedings, litigation, and trial. In addition, Mr. Brougher has a proven record of success in commercial litigation, including IP, technology, antitrust, commercial contract/fraud, and other commercial cases. Mr. Brougher's clients are located throughout the United States, and he has handled matters in every U.S. geographic region, and abroad.

Mr. Brougher previously served as Co-Team Leader of the firm's Insurance Recovery Practice. Before joining the firm, Mr. Brougher was a partner in the San Francisco office of a national, San Francisco-based firm, where he was elevated to partner in 2001.

Mr. Brougher was recognized by *The Best Lawyers in America*® in 2020 for Insurance Litigation and in 2021 for Insurance Law and Insurance Litigation. He is AV® rated by Martindale-Hubbell.\*

\*CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

### Experience

#### Insurance Recovery:



Won a multi-million dollar jury verdict in federal district court in Cleveland, Ohio. Including defense costs awarded on appeal, obtained a \$13.5 million insurance coverage judgment arising out of third party claims related to a failed real estate project near Orlando, Florida. See *IMG Worldwide, Inc. v. Westchester Fire Ins. Co.*, 2014 WL 3409044 (6th Cir. July 15, 2014).

Filed suit and negotiated settlements for insurance and indemnity arising out of class actions brought by former NCAA student-athletes alleging misappropriation of names and likenesses, including seminal case by Ed O'Bannon, former basketball player at UCLA. Among other things, we obtained an anti-suit injunction that was upheld by the Eleventh Circuit. See *Collegiate Licensing Co. v. American Cas. Co. of Reading, Pa.*, 713 F.3d 71 (11th Cir. 2013).

Obtained defense costs and insurance coverage for a settlement arising out of high-profile #MeToo movement case, filed in Los Angeles County Superior Court.

Filed multi-million dollar suit addressing insurance coverage under an Employment Practices Liability Insurance (EPLI) policy, resulting in settlement shortly before trial. *IMG College, LLC, et al. v. National Union Fire Ins. Co. of Pittsburgh, Pa.*, Case No. CV 16 87077, in the Court of Common Pleas, Cuyahoga County, Ohio.

Litigated and negotiated settlement addressing insurance coverage for third party claims in a large-scale pipeline project. *National Union Fire Ins. Co. of Pittsburgh, Pa. v. Latex Construction Co.*, Case No. 1:16-cv-04213-TCB (N.D. GA).

On behalf of the Atlanta Braves, filed suit and negotiated settlement for insurance benefits under a disability policy addressing injury sustained by former Braves pitcher Mike Hampton. *Atlanta National League Baseball Club, Inc. v. Hartford Life Ins. Co.*, Case No. 1:09-CV-0403-RWS (N.D. GA).

#### **Commercial Litigation:**

Prevailed in AAA arbitration, including an award of attorneys' fees, in technology implementation dispute for mobile telephone service provider.

Obtained defense verdict after 30 jury trial days, upheld on appeal, in \$300 million accounting malpractice trial against national accounting firm. See *Ischemia Research and Education Foundation v. Arthur Andersen, LLP*, 2002 WL 31852879 (Dec. 20, 2002).

Counsel for national fast food franchisor and franchisees in an investigation of claims associated with fraudulent activity by the clients' vendor, a major beverage company. The dispute received national media attention and clients secured a multi-million dollar settlement prior to litigation.



Litigated and negotiated settlements with national insurance broker and several major insurance carriers for alleged antitrust and related violations of Florida law related to “contingent” commissions. *Office Depot, Inc. v. Marsh & McLennan Companies, Inc., et al.*, Case No.: 502005CA004396, in the Circuit Court for Palm Beach County, Florida.

Litigation counsel for software developer in large theft of trade secrets case involving source code related to email attachment viewing technology used in handheld devices; case settled shortly before trial after defeating opponent’s summary judgment motion.

Won AAA arbitration on behalf of foodservice research and development company accused of breaching license agreement; arbitration panel dismissed plaintiff’s claims and awarded attorneys fees.

Counsel for large telecommunications provider in international arbitration alleging hundreds of millions of dollars in damages for breach of contract and related business torts; case settled after hearings.

## **Education**

University of California at Los Angeles B.A. (1990) Political Science

University of California, Hastings College of the Law J.D. (1993) *cum laude*

## **Court Admissions**

U.S. Court of Appeals for the First Circuit

## **Professional & Community Activities**

*Hastings Law Journal*, Former Member

## **Insights**

### [News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2021

August 20, 2020

### [News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020

August 15, 2019

### [In The News](#)

KT is...Trending, November 19 - December 2, 2016



December 5, 2016

[In The News](#)

KT is...Trending, October 15-21, 2016

October 24, 2016

[In The News](#)

KT is...Trending, October 7-14, 2016

October 17, 2016

[In The News](#)

Kilpatrick Townsend's Media Report July 22-28, 2016

July 29, 2016

[In The News](#)

Kilpatrick Townsend's Media Report June 3-9, 2016

June 10, 2016

[In The News](#)

Kilpatrick Townsend's Media Report October 23-29, 2015

October 30, 2015

[News Releases](#)

Kilpatrick Townsend Attorneys Featured Speakers at 2015 ACC-GA Value Challenge: Reduced Spending. Better Outcomes. Increased Predictability.

April 21, 2015

[In The News](#)

Kilpatrick Townsend's Media Report March 27 - April 2, 2015

April 3, 2015