

Daily Journal

SEPTEMBER 15, 2021

TOP 100 2021

BRAD D. BRIAN

MUNGER, TOLLES & OLSON LLP
LOS ANGELES
LITIGATION

— TOP 100 —



A prominent national litigator, Brian represents high-profile companies in complex and difficult lawsuits and investigations.

He was lead trial counsel for Katten Muchin Rosenman LLP in the recently-settled malpractice suit brought by consumer lender CashCall Inc., which sought \$750 million in damages. He and

opposing counsel struck a deal on the eve of trial for an undisclosed amount. *CashCall Inc. v. Katten Muchin Rosenmann LLP*, 30-2017-00914968-CU-NP-CXC (Orange Co. Super. Ct., filed April 14, 2017).

Brian also represents other law firms, including Sidley Austin LLP. And his defense of Fortress in a breach of fiduciary duty case is headed for a retrial in Los Angeles next year. *Himelstein Mandel Fund Management LLC et al. v. Fortress Investment Group LLC*, BC429385 (L.A. Super. Ct., filed Nov. 13, 2012).

“I feel really fortunate to be able to represent great clients in some of their most challenging, important matters,” Brian said. “The cases can be stressful but, at the end of the day, they’re fun and very meaningful. And I get the chance to work with terrific lawyers at my firm and at other firms around the country.”

Brian said the firm has weathered the pandemic. “We adapted pretty well. We did a lot of hearings and mock trials via Zoom, and in some ways we found the mock trials worked better, because we could watch how even the shy jurors

deliberated without dominant personalities on the panel taking over.”

In late spring Brian was retained to represent J. Clark Kelso, the federal receiver appointed to oversee the delivery of medical services to California prisons in a case that has been running for 30 years. He and the firm were asked to advise Kelso regarding a possible Covid vaccine mandate for prison staff and to defend him in any litigation that might result.

In August Brian’s advisory report, largely adopted by Kelso, pointed out that prison health officials recommended mandatory vaccinations for institutional staff and concluded that delay was unwise because waiting “until the next wave is upon us will not produce results until it is too late and worst of the wave is over.” When the California Department of Corrections and Rehabilitation stalled on issuing the order, U.S. District Judge Jon S. Tigar of Oakland ordered the CDCR to show cause why it should not do as Brian and Kelso recommended. *Plata v. Newsom*, 4:01-cv-01351 (N.D. Cal., filed April 5, 2001).

— John Roemer