

Brent W. Brougher

Partner

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Brent Brougher is a first chair trial lawyer with broad commercial litigation experience, having successfully handled numerous jury and bench trials, arbitrations, mediations, and appeals. As a member of the California and Georgia bars, Brent has a national litigation practice representing entities of all sizes and has a proven record of success in commercial litigation, including intellectual property, technology, misappropriation of trade secrets, commercial contract/fraud, and other commercial cases. Brent's clients are located throughout the United States, and he has handled matters in every U.S. geographic region, and abroad.

In addition to commercial litigation expertise, Brent also has expertise representing businesses seeking the recovery of insurance assets through negotiation, ADR proceedings, litigation, and trial. Before joining the firm, Brent was a partner in the San Francisco office of a national, San Francisco-based firm, where he was elevated to partner in 2001.

Brent was recognized by *The Best Lawyers in America*® in 2020 for Insurance Litigation, in 2021, 2022 and 2023 for Insurance Law and Insurance Litigation, and again in 2027 and the three years immediately preceding for Commercial Litigation, Insurance Law, and Insurance Litigation. He is AV® rated by Martindale-Hubbell.*

Experience

Commercial Litigation

Won multi-million dollar AAA arbitration, including an award of attorneys' fees as prevailing party, in large technology implementation dispute for mobile telephone service provider.

Won \$13.5 million judgment after jury verdict in federal district court in Cleveland, Ohio, affirmed on appeal to the Sixth Circuit, 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).

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 attorney's 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.

Insurance Recovery

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).

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.

Education

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

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

Admissions

Georgia (2003)

California (1993)

Court Admissions

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the First Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. District Court for the Central District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Northern District of Georgia

Professional & Community Activities

Hastings Law Journal, Former Member

Insights

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Kilpatrick Attorneys Once Again Earn Outstanding Recognitions in 2027 Edition of The Best Lawyers in America®

August 20, 2026

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Kilpatrick Breaks Record for Number of Attorneys Recognized in 2025 Edition of The Best Lawyers in America®

August 16, 2024

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Kilpatrick Townsend Earns Record-Breaking Recognition in 2024 Edition of The Best Lawyers in America®

August 17, 2023

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Kilpatrick Townsend Earns Top Recognitions in 2023 Edition of The Best Lawyers in America®

August 18, 2022

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Kilpatrick Townsend Attorneys Honored in the 2022 Edition of The Best Lawyers in America

August 19, 2021