

## Brian D. Boone

Partner

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Co-leader of Alston & Bird’s Appellate Practice, 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, antitrust, RICO, the False Claims Act, securities, and state consumer-fraud laws.

In recent years, Brian has, among other engagements, 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 a district court to deny class certification in a case against a Fortune 50 company, argued and won a complex appeal before the Second Circuit (securing a \$10 million judgment for his clients), and argued and won an antitrust appeal in Louisiana.

Brian served as a judicial clerk to the Honorable Karen J. Williams of the U.S. Court of Appeals for the Fourth Circuit. He graduated with high honors from Emory University School of Law, where he was the Sol I. Golden Scholar. Brian received his undergraduate degree, summa cum laude in political science and history, from King College.

*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.

### **Representative Experience**

- Successfully petitioned the U.S. Supreme Court in *Dart Cherokee Basin Operating Co. LLC v. Owens*, No. 13-719, and then convinced the Court to rule in his 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 our clients’ favor.
- Representing a client in trial-court and appellate proceedings relating to Special Counsel Robert Mueller’s investigation.
- Won summary judgment for a Fortune 500 company in a high-profile preemption and First Amendment challenge to a New York City regulation.
- 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 our client.
- Served as appellate counsel before the Supreme Court of Georgia in a commercial dispute over Ferrari race cars.
- Defending a Fortune 50 health care company against multiple putative nationwide class actions.

- As first chair, won multiple expedited arbitrations for a Fortune 500 company.
- Defended Georgia's business judgment rule before the Georgia Supreme Court.
- Represented a natural gas joint-action agency in federal litigation over hedge prices.
- Representing the U.S. Chamber of Commerce as amicus curiae before the California court of appeal in a case about how to calculate damages for future medical expenses.
- Represented the Georgia Chamber of Commerce as amicus curiae in a case about the reach of Georgia nuisance law.
- 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.
- Represented the nation's largest independent securities regulator in preliminary injunction proceedings in North Carolina federal court. The court ruled in the client's favor.
- Represented three former U.S. Attorneys General as amici curiae in a U.S. Supreme Court case addressing issues under the Foreign Sovereign Immunities Act.
- Served as appellate counsel in multiple cases before the Fourth Circuit.
- Represented the Georgia Chamber of Commerce as amicus curiae in a case about the reach of Georgia nuisance law.
- 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

- Georgia Supreme Court

## *Education*

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

## *Admitted to Practice*

- North Carolina
- District of Columbia
- Georgia

## *Related Services*

Litigation | Appellate | Financial Services Litigation | Commercial | Class Action & Multidistrict Litigation | Antitrust | Health Care Litigation