



BRIAN E. ROBISON

PARTNER

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BROWN FOX

BRIAN ROBISON IS A TRIAL LAWYER WHO REPRESENTS LARGE COMPANIES in a wide range of business-litigation matters, with a focus on antitrust cases and class actions. He also represents clients in connection with mergers and government investigations. Mr. Robison invests the time necessary to understand his clients' business goals and then devises a litigation strategy that is tailored to achieve those goals in the most efficient way possible.

Before joining Brown Fox, Mr. Robison clerked for then-Justice John Cornyn at the Supreme Court of Texas and then honed his litigation skills at Gibson, Dunn & Crutcher and Vinson & Elkins. Through those experiences, Mr. Robison learned the importance of preparing every case, starting on day one, as if it will eventually go to trial. This trial-centric focus informs every strategic decision he makes on document discovery, motion practice, depositions, and pretrial motions.

Mr. Robison has taken both civil and criminal cases to trial, served as a prosecutor for Dallas County, and argued before state courts of appeals. He has been recognized by numerous publications for his work including *Chambers USA: America's Leading Lawyers for Business: The Best Lawyers in America*®, "Best Lawyers in Dallas under the Age of 40" in *D Magazine*, and "Texas Rising Star" in *Texas Monthly*. Mr. Robison was named the 2020 and 2022 "Lawyer of the Year" for his work in Antitrust Law in Dallas/Fort Worth by *The Best Lawyers in America*®.

Mr. Robison is also a professional arbitrator and mediator, offering parties the full complement of alternative-dispute resolution services. These ADR procedures provide parties a way to resolve disputes and reach finality far sooner than they could expect in court, while reducing litigation costs and eliminating risk. When serving as an arbitrator or mediator, Mr. Robison draws on his more than 25 years of experience representing both plaintiffs and defendants in a wide range of litigation matters and delivers the advantages of the ADR process.



PRACTICE FOCUS & EXPERIENCE

ANTITRUST AND CLASS ACTION CASES

- » Defended Deutsche Telekom in the suit brought by several state attorneys general opposing the proposed merger of the third and fourth largest nationwide, facilities-based wireless communications providers as an alleged violation of the antitrust laws. The case went to trial in December of 2019, and the court approved the merger, denying the requested injunction
- » Lead attorney for a defendant in a case in which former college athletes alleged that they had been unlawfully deprived of compensation for the use of their names, images, and likenesses in violation of the Sherman Act, the Lanham Act, and the Tennessee right-of-publicity statute; the district court dismissed the case with prejudice, and the United States Court of Appeals for the Sixth Circuit affirmed

- » Second-chair trial attorney for a federal antitrust jury trial against a major professional association accused of violating the Sherman Act by orchestrating a nationwide group boycott; the court granted defendants' motion for judgment as a matter of law at the close of plaintiff's case
- » Member of trial team that represented the nation's largest video retailer in a major antitrust case involving accusations of conspiracy, concerted refusal to deal, and price discrimination; the court granted defendants' motion for judgment as a matter of law at the close of plaintiffs' case
- » Presently defending the nation's largest pork-products producer in putative class actions consolidated in a multi-district litigation pending in the United States District Court for the District of Minnesota, alleging pork producers reduced the supply of hogs in order to reduce the supply of, and raise the price of, pork products
- » Presently defending the country's largest shell egg producer in an antitrust action alleging that egg producers nationwide participated in a supply-restriction scheme designed to raise the prices of eggs; the matter raises novel issues about the requirements for, and scope of protection provided by, the Capper-Volstead Act and similar antitrust exemption statutes
- » Lead attorney for one of the largest chains in the quick-serve restaurant industry in a putative nationwide class action alleging that a supposed no-hire clause in a franchise agreement violated the Sherman Act and the Texas Free Enterprise and Antitrust Act; the plaintiff voluntarily dismissed the case soon after discovery began
- » Lead attorney for one of the nation's largest property and casualty insurance companies in a purported nationwide class action and in several related individual actions involving allegations of a customer allocation conspiracy in violation of the Sherman Act, various state antitrust statutes, and RICO
- » Lead attorney for two Canadian agricultural co-operatives, both of which were dismissed at the pleadings stage, in a purported nationwide indirect purchaser class action alleging a North American potato industry supply-suppression conspiracy that allegedly is not exempt from antitrust scrutiny under the Capper-Volstead Act and other statutory exemptions covering agricultural co-operatives; the plaintiffs voluntarily dismissed one client, and the court granted the motion to dismiss of the other
- » Co-lead attorney for a large property and casualty insurance company in several purported class actions challenging the use of an Ingenix product to process medical bills submitted by providers
- » Lead attorney for a waste disposal company accused of monopolization and predatory pricing in violation of the Texas Free Enterprise and Antitrust Act
- » Represented a manufacturer of highway guardrail end terminals in a putative class action pending in state court in Missouri that alleged claims for design defect, negligence, and sale of a dangerous instrumentality; defended two similar cases that were pending in federal court in Illinois and Wisconsin until the named plaintiffs in both cases voluntarily dismissed their suits with prejudice with no payment by the defendant

BUSINESS LITIGATION

- » Co-lead attorney for one of the nation's largest municipal financial advisors in litigation in Rhode Island state court that alleged breach of fiduciary duty arising from a bond issuance for an economic development project
- » Lead attorney for one of the world's largest manufacturing companies in an international arbitration
- » Co-lead attorney for a private investment fund in an oil and gas arbitration in which our client alleged more than \$250 million in damages
- » Co-lead attorney for a large wireless telecommunications company as plaintiff in a case involving breach of that company's exclusive right to operate a wireless mobility communications network within a defined territory
- » Lead attorney for one of the nation's largest owners and managers of ambulatory surgical centers in a case involving allegations of breach of a merger agreement

GOVERNMENT INVESTIGATIONS

- » Represented an Internet-based consumer ratings and reviews company in a DOJ investigation into allegations of violations of a divestiture consent decree
- » Represented the nation's largest travel distribution services company in a civil DOJ antitrust investigation
- » Represented a large company in the energy industry in two civil DOJ antitrust investigations into pricing practices
- » Represented an Internet-based credit-monitoring services company in civil consumer-protection investigations conducted by several state attorneys general
- » Represented a company during a civil SEC investigation into allegations of stock options backdating
- » Represented one of the nation's largest property and casualty insurance companies in antitrust investigations and civil suits pursued by several state attorneys general
- » Represented an entity involved in the municipal finance industry in connection with simultaneous investigations by the SEC, the Antitrust Division of the DOJ, the IRS, the FBI, and a task force of several state attorneys general
- » Represented a concrete production company in a civil investigation brought by the antitrust division of a state attorney general

ARBITRATION, MEDIATION, AND SETTLEMENT COUNSEL

Brian can deliver the full complement of ADR services to assist parties in bringing finality to their disputes in an efficient manner. First, Brian (who is a member of the American Arbitration Association's panel of commercial arbitrators) is equipped to serve either as a single arbitrator or as a member of an arbitration panel and render a decision based on the facts and law in a streamlined process designed to reduce delay and expense. Second, Brian is prepared to serve as a mediator to facilitate settlement discussions and assist parties in evaluating both possible ways of resolving disputes and the risks involved in not reaching a resolution. Third, Brian is fully qualified to serve as settlement counsel for individual clients or groups of aligned parties. Settlement counsel can be an incredibly valuable resource for parties facing ruinous litigation exposure. By retaining settlement counsel who are entirely separate from trial counsel, a party ensures that it can adequately explore settlement scenarios without the risk of its trial counsel possibly signaling weakness to the opponent and without distracting trial counsel from discovery and trial preparations.

Brian is qualified to provide these ADR services in a broad range of cases involving numerous industries. For more than 25 years, he took a leading role in litigating complex business-litigation matters involving alleged violations of state and federal antitrust laws, RICO, ERISA, the False Claims Act, the Lanham Act, the DTPA, and numerous state consumer-fraud statutes; allegations of directors' and officers' liability, products liability, mass torts, securities fraud, breach of contract, fraud, tortious interference with contracts and prospective business relations, and defamation; and disputes arising from post-M&A earn-out clauses, working-capital calculations, and purchase-price adjustments.

Brian's principal cases involved the following industries: agriculture, commercial insurance, municipal finance, telecommunications, transportation, pharmaceuticals, e-commerce, electric utility, oil & gas, and oilfield services.

In dozens of cases, he represented his clients in successful mediations that resulted in settlements. Brian also represented clients in arbitrations, including matters involving the transportation and oil & gas industries and cross-border disputes.

Brian will draw on this wide range of experience in serving as an arbitrator, a mediator, or settlement counsel.

ADMISSIONS

Mr. Robison is admitted to practice in the state of Texas, before the Supreme Court of the United States, before the U.S. Court of Appeals for the Sixth Circuit, and before the U.S. District Court for the Northern, Southern, Eastern, and Western Districts of Texas.



AFFILIATIONS

- » Member of the American Bar Association and Antitrust Law Section
- » Member of the Dallas Bar Association



EDUCATION

Mr. Robison received his law degree in 1995 with honors from The University of Texas School of Law, where he was a member of Order of the Coif and served as Notes Editor of the *Texas Law Review*. He also holds a B.A. in Political Science from the University of Kansas, where he graduated in 1991 with highest distinction and was a member of Phi Beta Kappa and Phi Kappa Phi.



HONORS

- » *Chambers USA: America's Leading Lawyers for Business*
- » *The Best Lawyers in America*®
- » "Best Lawyers in Dallas under the Age of 40" in *D Magazine*
- » "Texas Rising Star" in *Texas Monthly*
- » Mr. Robison was named the 2020 and 2022 "Lawyer of the Year" for his work in Antitrust Law in Dallas/Fort Worth by *The Best Lawyers in America*®.
- » *500 Leading Litigators in America*, Lawdragon (2022)

BEST LAWYERS:
Lawyer of the Year
 LITIGATION – ANTITRUST
 DALLAS/FORT WORTH
 2022

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 DALLAS/FORT WORTH
 2020

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Best Lawyers



Super Lawyers

Super Lawyers
 RISING STARS

BROWN FOX PLLC
 2022
 RECOGNIZED BY
Best Lawyers



IN THE COMMUNITY

- » Member, Advisory Board, Advocates for Community Transformation
- » Formerly served as a member of the Board of Trustees for Advocates for Community Transformation, as the Chairman of the Board of Trustees for the Highland Park Presbyterian Day School, and as an Elder and a Deacon at Highland Park Presbyterian Church

MORE ABOUT BRIAN E. ROBISON

Brian was born in Colorado when his dad was stationed at Lowry AFB but grew up in Oklahoma City. After finishing law school and a judicial clerkship, he moved to Dallas, where he met his wife. They have been married for 22 years, have four children, and live in Castle Hills. He enjoys travel, watching his children play sports, hiking in the mountains, and running Spartan Races. He is an avid fan of just about every sport but loves baseball more than any other. Mr. Robison and his family are members of Prestonwood Baptist Church.