

# Brian J. Neff

## Counsel

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In over two decades as a litigator, Brian has seen just about everything: high stakes bet-the-company commercial litigation, complex class actions, white-collar and indigent criminal defense, intellectual property disputes, franchise litigation, product liability cases, real estate disputes and employment litigation. But whatever kind of case he takes on, his attention is always sharply focused on creating and advancing the best possible strategies for his clients.



The core of Brian's practice is defending companies in class actions throughout the country. From the moment a complaint is served, he is working tirelessly to bring the matter to a successful conclusion quickly and efficiently. He has successfully opposed remand motions, and he takes pride in having crafted arguments that obtained the dismissal of many cases at the outset, helping his clients avoid the time and expense of discovery.

After spending the first decade of his legal career practicing in the state and federal courts of New Jersey, Brian joined a New York City firm in 2004 and has practiced there ever since.

Throughout his career, Brian has provided legal representation to people who otherwise could not afford it. In his early years practicing law, he worked as a public defender, and since moving to a large-firm practice in 2004, his commitment to pro bono work has been unflagging. He has dedicated many hours of his time and energy to representing prisoners at the Guantanamo Bay detention facility.

When he's not fighting the good fight, Brian spends his time exploring the live music scene of New York City or pointing his skis downhill in the mountains of Vermont.

## EXPERIENCE

### Representative Engagements

- Brian has represented clients at all levels of federal and state courts throughout the United States.
- Obtained dismissal of proposed class action challenging claims payment practices of homeowner's insurer.
- Successfully defended insurer in action seeking injunctive relief for alleged misappropriation of trade secrets through hiring of competitor's employees.
- Internal investigation of alleged breaches of fiduciary duties by executives of pharmaceutical company.
- Obtained ruling from Eighth Circuit Court of Appeals confirming legality of insurer's interpretation of policy provision concerning underinsured motorist claims.
- Obtained defense verdict in jury trial alleging products liability in manufacture of step-stool.
- Convinced prosecutors to decline to prosecute accounting firm executive in relation to alleged tax avoidance scheme.
- Argued racial profiling claims that resulted in release of clients years before scheduled conclusion of prison sentences.
- Successfully defended healthcare company against alleged civil RICO violations.

- Represented Guantanamo Bay detainee in successful Period Review Board hearing, resulting in transfer of client to home country.
- Mediated to a successful outcome high-value collection claims on behalf of education services provider.
- Resolved decades-old partnership dispute arising from ownership of Manhattan apartment building.
- Successfully defended on appeal jury and bench verdicts rejecting bad faith claims against insurer.

## **CREDENTIALS**

### **Education**

University of Utah College of Law, J.D. 1993

Member, *Utah Law Review*

Saint Michael's College, B.A., 1987

### **Bar Admissions**

New York

New Jersey

Massachusetts

Vermont

United States Supreme Court

U.S. Court of Appeals for the D.C. Circuit

U.S. Court of Appeals for the Third Circuit

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

U.S. District Court for the District of Massachusetts

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York

## **PUBLICATIONS & PRESENTATIONS**

Antitrust Sentencing Post-Booker: What We Know So Far, 5 Antitrust Source 1 (2006)

Damages Recoverable in Franchise Termination Cases, N.J. Law., FEBRUARY 2000, at 40 (2000)

Comment, Retroactivity and the Civil Rights Act of 1991; an Opportunity for Reform, 1993 Utah L. Rev. 475 (1993)

Note, Third-Party Claimants and an Insurer's Duty of Good Faith and Fair Dealing, 1992 Utah L. Rev. 274 (1992)

## **COMMUNITY SERVICE**

### **Pro Bono Activities**

Pro bono representation of Guantanamo Bay detainees from 2005-2016.

Pro bono representation of Chicago, New York and other cities in Supreme Court of the United States and other courts in opposition to 2017 Executive Orders barring travel from certain Muslim majority countries.

Pro bono defense of developmentally disabled Newark teen wrongfully charged with assault.



Pro bono representation of client seeking relief under Deferred Action for Childhood Arrivals (DACA) immigration policy.