

Brian D. McDonald

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EDUCATION

University of California Berkeley School of Law (Boalt Hall)

Juris Doctor and Law & Technology Certificate May 2002

Activities: California Law Review, Managing Editor

Berkeley Technology Law Journal, Articles Editor (2L), Annual Review Advisor (3L)

Honors: Prosser Prize, Torts

Fellow, Berkeley Center for Law and Technology

Georgetown University, Walsh School of Foreign Service

Bachelor of Science in Foreign Service, summa cum laude, May 1999

Minor in Latin American Studies

Major GPA: 4.0 Overall GPA: 3.93

Honors: Honors Citation for International Politics Thesis

Rowe Award for Best Latin American Studies Thesis

Highest score on Foreign Service Spanish Language Examination

EXPERIENCE

Jones Day

San Francisco, CA

Partner in Insurance Recovery Practice Group

2013 to Present

Associate in Insurance Recovery Practice Group

2008 to 2012

- ◆ General litigation tasks including case management, drafting pleadings, taking depositions, arguing motions in Court, trial preparation, communicating with clients, negotiating with opposing counsel, managing document reviews and discovery, supervising associates and paralegals, and conducting legal research.
- ◆ Responsible Partner for all Pro Bono Litigation in San Francisco office (2013-present); member of the San Francisco Office Diversity Committee (2008-present); co-chair of Associates Committee (2010-2012); and member of the San Francisco Recruiting Committee (2010-2012).
- ◆ Representative engagements:
 - *Isilon Systems, Inc. v. Twin City Fire Insurance Company* (W.D. Wash. 2010-2012): Represented client Isilon Systems, Inc. in a lawsuit seeking coverage under an excess Directors & Officers Liability Policy from its insurance company, Twin City Fire Insurance Company, part of The Hartford. Isilon sought insurance coverage from Twin City for Isilon's payment of defense costs in an SEC enforcement action brought against one of Isilon's former corporate officers. Took various depositions, researched and drafted pleadings and motions, and coordinated extensive discovery. After several years of litigation—including a significant ruling awarding attorneys fees to Isilon for Twin City's wrongful withholding of privileged documents—the parties reached a settlement.
 - *Port LA v. United National Insurance Company* (Los Angeles Superior, 2009-2012): Represented client BlackRock Realty Advisors, Inc. in litigation filed against United National Insurance Co. ("UNIC") seeking defense and indemnity under a real estate pollution policy issued by UNIC for pollution conditions at a former petroleum facility in Southern California. Led the research and drafting efforts for numerous rounds of summary judgment briefing, and researched, drafted and argued various motions to compel discovery, and conducted numerous depositions.
 - *In re FEMA Formaldehyde Products Litigation* (E.D.La. 2008-2012): Represented Fluor companies in pursuing insurance recoveries for Fluor's liabilities in the FEMA trailer formaldehyde litigation, in which tens of thousands of victims of Hurricane Katrina claim in MDL and related litigation that Fluor's installation of emergency housing units resulted in the release of toxic levels of formaldehyde in the units, resulting in bodily injury and other damages. General liability insurers, and pollution liability insurers asserted that various Fluor policies do not apply to or exclude the FEMA trailer formaldehyde claims. Assisted with successful negotiation of settlement with full recovery of all underlying case settlement, and all defense fees and costs excess of retention from GL and Pollution Liability Insurers in mid-2012.
 - *Dignity Health acquires U.S. HealthWorks* (August 2012): Advised Dignity Health, the fifth largest health system in the nation, regarding all insurance aspects related to its acquisition of U.S. HealthWorks, the largest independent operator of occupational medicine and urgent care centers in the United States.
 - *In re Petters Company, Inc., Kelley v. Westford Special Situations Master Fund, L.P.*, No. 10-04396 (Bankr. D. Minn., 2010-2012): Represented various clients defending against claims brought by the

chapter 11 trustee for Petters Company, Inc. and its affiliates. The claims seek substantial damages arising out of commercial transactions in the United States. Researched and drafted sections of motion to dismiss briefing, and researched and drafted sections of the clients' opposition to the Trustee's motion for substantive consolidation. Also managed and continues to manage extensive affirmative and defensive discovery conducted in the case.

Heller Ehrman LLP

San Francisco, CA

Associate in Insurance Recovery and Complex Civil Litigation Groups

2003 to 2008

- ◆ General litigation tasks including case management, drafting pleadings, taking depositions, arguing motions in Court, attending hearings, communicating with clients, negotiating with opposing counsel, managing document reviews and discovery, supervising junior associates and paralegals, and conducting legal research.
- ◆ Representative engagements:
 - Represented a large industrial company litigating insurance coverage for asbestos bodily injury claims resulting in negotiated settlements with insurers of over \$1 billion;
 - Represented a real estate company regarding Hurricane Katrina property damage and business interruption loss;
 - Represented a big-four accounting firm in national securities litigation;
 - Represent a large computer storage company in several class action lawsuits alleging violations of California's Unfair Competition Law; and
 - Represent an investor-owned utility in a lawsuit seeking refund of overcharges in connection with the California power crisis.
- ◆ Served as co-chair of the San Francisco Office Diversity Committee, a member of the San Francisco Hiring Committee and a member of the Firmwide LGBT Task Force.
- ◆ Awarded Firm's Annual Pro Bono Challenge Recognition for years 2004, 2005, 2006 and 2007.

Chambers of the Honorable Margaret M. Morrow, Central District of California

Los Angeles, CA

Law Clerk

2002 to 2003

- ◆ Drafted multiple orders each week regarding civil and criminal motions pending before the Court.
- ◆ Assisted with general management of over 400 civil and criminal cases assigned to Judge Morrow.
- ◆ Attended civil and criminal law and motion calendar each week to hear oral argument.
- ◆ Supervised seven law student externs tasked with various research and writing projects.

U.S. Department of State, Office of Cuban Affairs

Washington, DC

Junior Foreign Service Officer

1998 to 1999

- ◆ Investigated alleged human rights violations of political dissidents in Cuba.
- ◆ Drafted initial State Department report on the effects of U.S.-Cuba policy on U.S.-E.U. relations.
- ◆ Evaluated American claims to expropriated territory in Cuba as a member of the Helms-Burton Unit.
- ◆ Consolidated all incoming information into daily update on Cuba for entire Department of State.

PUBLICATIONS

- ❖ Chapter 25: Considering Alternative Dispute Resolution, contributing author, New Appleman Insurance Law Practice Guide (2009)
- ❖ Report on Best Practices by Legal Employers for LGBT Employees, contributing author, by San Francisco Bar Association Equality Committee, Subcommittee on LGBT Issues (2007) (copy available at www.sfbabar.org/forms/diversity/lgbt_report_nov07_basf.pdf)
- ❖ The Uniform Computer Information Transactions Act, 16 Berkeley Tech. L.J. 461 (2001)

SPEAKING ENGAGEMENTS

- ❖ Insurance 101: What Every In-House Lawyer Needs to Know, San Francisco Bar Association (April 15, 2010)
- ❖ Insurance Essentials for In-House Lawyers, Jones Day Continuing Legal Education Event (January 13, 2010)
- ❖ Deposition Skills Training Workshop, San Francisco Bar Association (November 7, 2007)

AFFILIATIONS

- ❖ San Francisco Bar Association's Equality Committee, Subcommittee on LGBT Issues (2007-2013)
- ❖ AIDS Legal Referral Panel: Board of Directors (2006-2012); Chair, Major Gifts Committee (2008-2012)
- ❖ Leadership Development Committee of the Association of Business Trial Lawyers (2012-present)
- ❖ Bay Area Lawyers for Individual Freedom: Member (2002-Present); Membership Committee (2012-present); Management of BALIF Pride Breakfast each summer from 2006 through 2012.