



Brian Neach is a business litigator and former Certified Public Accountant who has litigated cases in federal and state courts. With his accounting background, Brian has significant strength in cases involving business disputes and business-related damages, which inevitably require accounting analysis and expertise. Brian has litigated cases across a broad range of substantive areas, including commercial disputes, business-acquisition litigation, real estate development litigation, internal corporate and Limited Liability Company disputes, intellectual property, and construction. Brian also has substantial experience as both a CPA and attorney in advising corporations, LLCs and other business entities on transactions, internal corporate governance, and business acquisitions and sales.

Before forming Pacheco & Neach, P.C., Brian previously was counsel in the Orange County office of O'Melveny & Myers and was an associate at Williams & Connolly in Washington, D.C.

After law school, Brian served a one-year rotation as a clerk for the Honorable Paul J. Kelly, Jr. on the United States Court of Appeals, Tenth Circuit.

Representative Cases

General Litigation Matters

- Obtained summary judgment for Chinese citizens accused of defrauding a publicly-traded education corporation based on California Code of Civil Procedure 361 (statute of limitations)
- Obtained summary judgment for aquaculture company on claims asserted by former employee for receipt of “change-in-control” payments
- Obtained summary judgment for a maker of video slot machines on finding of invalidity of a patent using a “means-plus-function” claim
- Obtained dismissal of complaint filed in OC Superior Court against owner of safe distribution business based on California’s litigation privilege
- Represented hard-drive manufacturer in dispute regarding \$40 million working capital adjustments arising from asset purchase

Trial experience

- Represented school district in trial involving complex construction

- disputes and delay claims
- Obtained post-trial dismissal of fraudulent transfer claims against a large sporting goods retailer that acquired the assets of another chain
- Represented national homebuilder in a year-long bench trial involving accounting and mismanagement claims seeking hundreds of millions of dollars in damages; instead, secured a \$54 million judgment, including attorneys' fees, against the plaintiff
- Represented a global leader in the development of innovative pharmaceutical and medical device products in a three-week bench trial involving misappropriation of trade secrets against a major competitor and obtained broad, permanent injunctive relief
- Represented a large law firm in obtaining a complete defense verdict in a jury trial involving allegations of legal malpractice
- Obtained dismissal of complaint on eve of trial after pursuing aggressive litigation strategy on behalf of a publicly-traded aquaculture company

Merger and Acquisition and Related Corporate Litigation

- Successfully defeated a motion for preliminary injunction seeking to halt the acquisition of a Delaware corporation in the business of delivery of digital music
- Obtained dismissals of purported class actions brought in federal and state court against directors of an apparel company that alleged breaches of fiduciary duty under Delaware law in connection with grants of equity awards
- Represented multiple boards and committees of publicly-traded companies in responding to shareholder demand letters alleging breach of fiduciary duty in connection with equity incentive plans

Practice Areas

- Antitrust, Trade Secrets and Unfair Competition
- Appellate
- Business and Commercial Litigation
- Business Transactions
- Class Actions
- Construction Corporate Governance
- Intellectual Property Litigation
- Real Estate Litigation
- Securities

Bar Admissions

- California
- District of Columbia

Court Admissions

- US District Court, Central District of California
- US District Court, Southern District of California
- US District Court, Northern District of California
- US Court of Appeals, Ninth Circuit
- US Court of Appeals, Tenth Circuit
- US Court of Federal Claims

Education

- University of Notre Dame Law School (J.D., 2001)
 - *magna cum laude*, Notre Dame Law Review
- University of California, Santa Barbara (B.A., 1993)

Memberships & Associations

- Constitutional Rights Foundation - Orange County - Board member and treasurer
- Orange County Bar Association
- District of Columbia Bar Association

Professional Distinctions

- Southern California Super Lawyer "Rising Star" (2013)

Publications

- *Litigating Internal Limited Liability Company Disputes: Some Questions Answered, But Others . . . Not So Much*, ABTL-Orange County Report (Winter 2010/2011)
- Note, *Item 303's Role in Private Causes of Action under the Federal Securities Laws*, 76 Notre Dame Law Review (2001)