



Brian M. Schnarr

Partner

Brian is a trial attorney that specializes in high stakes litigation. He has represented clients in many areas, including heavy civil and commercial construction, business and partnership disputes, failed acquisitions, fraud, trade secret misappropriation, commercial real estate, environmental torts, and product defect.

Through his years of practice, Brian has earned a track record of success in trials and arbitration. San Francisco Trial Lawyers Association and Public Justice awarded Brian Trial Lawyer of the Year in 2014 for winning a \$1.15 billion dollar judgment against manufacturers of lead-based paint – the largest representative public nuisance case in California history. Brian has also prosecuted complex and high-profile matters against Bernie Madoff, KPMG, Yahoo!, JP Morgan Chase, Micron Technologies, and AECOM, among others. He has represented top ENR contractors and Fortune 500 businesses, has been selected as a Rising Star by SuperLawyers Magazine from 2013 through 2021, and is a “Recommended Lawyer” in the Legal 500.

Brian is also active in his community. He serves on the Corte Madera Flood Control Board, is a member of the Association of Business Trial Lawyers, and a former member of the ABTL Leadership Development Committee. He is a member of the San Francisco and San Mateo County Bar Associations.

Last, Brian is a proud supporter (and promoter) of the Tipping Point Community, a non-profit organization that fights poverty throughout the Bay Area.

Representative Work

Brian's trial and arbitration experience includes the following:

- Brian and his partner Andrew Giacomini won a \$156 million jury verdict in the Federal District Court of Colorado. The in-person trial was held during the COVID-19 pandemic and operated under strict health and safety protocols. Overcoming these challenges, he was able to prove claims for fraud, concealment, aiding and abetting, and conspiracy against a former business partner related the foreclosure and loss of a large shopping center. The victory was highlighted by Law360 in its June 22, 2021 article, "How Hanson Bridgett Took A \$156M Case Over The Finish Line."
- As lead attorney, Brian obtained a \$12 million arbitration award

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Practices/Industries

Construction

Litigation & Dispute Resolution

against a private equity firm following the acquisition of a SaaS technology company. The buyer sought to re-trade the deal through asserting bogus indemnification claims and an artificially low earn out calculation. Brian presented his clients' case to a JAMS arbitrator, who awarded the entire claim value, dismissed all counterclaims, and awarded attorneys' fees and costs. The Buyer then tried to overturn the award in two different courtrooms on opposite sides of the country, California and Delaware. Brian managed both litigations and aggressively pursued judgment until the matter settled on the eve of the confirmation hearing.

- Brian was trial counsel on a landmark \$103 million payment and disruption claim involving a major design/build highway expansion project. The jury trial was 52 days long. The court received testimony from over 40 witnesses and admitted over 600 exhibits. The case is one of the largest design/build disputes tried to a jury, and is remarkable for innovative decisions on the California Contractors' Licensing Law, and using a "Spearin" jury instruction against a designer in a design/build project.
- Brian brought a \$90 million claim to trial against five defendants (including a top ENR contractor) on behalf of the owners of the Intercontinental Hotel in San Francisco. The dispute involved defective gray sealant (PIB) installed in over 6,400 insulating glass units that made up the entire exterior of the new luxury hotel. Brian helped defeat five summary judgment motions on cutting edge legal issues, and fought off numerous pre-trial motions in limine to get the matter to trial. After presenting substantial evidence of the PIB defect to the jury, including its cause at a molecular level, the defense settled on terms that were very favorable to the clients.
- Brian won Trial Lawyer of the Year by both the San Francisco Trial Lawyers Association and by Public Justice for securing a \$1.15 billion dollar judgment against manufacturers of lead-based paint. In this fourteen year old case for public nuisance, Brian worked alongside ten cities and counties in various parts of California, included the City and County of San Francisco, Alameda County, Los Angeles County, and the City of San Diego. The case stands as the largest representative public nuisance judgment in California history.
- Brian brought a multi-million dollar delay and differing site condition claim to trial in the Central District of California. The case involved a complex landfill cover system (a monolithic evapotranspiration (ET) cover) that was installed at a federal military base. The case settled on the first day of trial for 100% of the claim value plus attorney's fees.
- Brian was lead trial attorney in a JAMS arbitration where he obtained a half-million dollar arbitration award for a large commercial real estate company in a dispute against a corporate tenant over deferred repair and maintenance obligations.
- Brian was lead trial attorney in an engineering defect case where the homeowners brought fraud claims against the former mayor of a well-known Silicon Valley city. This high profile case was resolved on the first day of trial after Brian successfully tried his affirmative defense on statute of limitations first, which resulted in a complete defense of the claims and a monetary payment to his client.
- One year after passing the bar, Brian appeared in his first civil jury trial where he represented an 86 year old resident of San Mateo County in an elder abuse action against a skilled nursing facility. After a two week trial in the San Mateo Superior Court, the jury returned a verdict for \$1,844,400. The matter settled before the punitive damages stage.

Publications

Contributing Editor, *Architect and Engineer Liability: Claims Against Design Professionals* (5th Ed. Wolters Kluwer 2020), Chapter 12 – Design Professional as Construction Manager

Contributing Author, *Architect and Engineer Liability: Claims Against Design Professionals* (5th Ed. Wolters Kluwer 2020), Chapter 5 – Liability on the Contract

"Owner Alert: Recent Guidance on the CARES Act Offers Hope for Modification of Distressed Construction Loans," *Construction Law Alert* (April 2020)

Presentations

"The Economics of Access to Civil Justice," (March 2014)

Press

"How Hanson Bridgett Took A \$156M Case Over The Finish Line," *Law360* (June 2021)

Honors & Awards

Recommended Lawyer, *The Legal 500* (2019)

Rising Star, *SuperLawyers Magazine* (2013-2021)

Trial Lawyer of the Year, *San Francisco Trial Lawyers* (2014)

Trial Lawyer of the Year, *Public Justice* (2014)

Academic Distinctions

Articles Editor, *University of San Francisco Law Review*

Education

J.D., *University of San Francisco School of Law* (2010)

B.A., *California Polytechnic State University* (2006)

Admissions and Courts

California

U.S. District Court for the Northern District of California

Brian M. Schnarr
Partner



U.S. District Court for the Eastern District of California

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