

Brian P. Watt

Partner

Atlanta

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Real estate developers and large commercial property owners count on Brian to defend their interests in complex litigation. From nuanced restrictive covenant disputes to high-stakes commercial lease claims, clients rely on Brian's expertise to achieve favorable outcomes.

OVERVIEW

Brian represents clients in a wide variety of matters, with an emphasis on complex litigation and commercial real estate litigation. Brian's trial record includes successes in various state, appellate, and federal courts, as well as numerous reported cases in the Georgia Court of Appeals, the Georgia Supreme Court, and the U.S. Courts of Appeals for the Eleventh Circuit, and D.C. Circuit.

Counseling clients in various commercial and business disputes, including lease and easement disputes, breach of contract actions, fraud claims, tortious interference claims and other statutory disputes, Brian works with businesses to resolve matters effectively and proactively, protecting clients' assets and enabling them to move forward.

REPRESENTATIVE MATTERS

- Represented a national telecommunications provider in a precedent-setting decision handed down by the Eleventh Circuit Court of Appeals in litigation arising under the Federal Telecommunications Act.
- Obtained a unanimous decision from the Georgia Court of Appeals affirming a trial court decision to set aside a multimillion-dollar default judgment wrongfully obtained against the client.
- Defended two major national retail chains against alleged violations of restrictive real property covenants in federal district court, which included multiple appearances before the Eleventh Circuit Court of Appeals.
- Obtained a unanimous decision in the Georgia Supreme Court on behalf of a leading Atlanta real estate developer, defeating claims brought by purchasers for alleged fraud, negligent misrepresentation, and violations of the Georgia Fair Business Practices Act.
- Represented a mentally disabled U.S. citizen in civil rights actions involving the client's wrongful and illegal detention and deportation to Mexico.
- Obtained a unanimous decision in the Georgia Court of Appeals on behalf of a services provider, affirming breach of contract and enforcing a liquidated damages provision.
- Defended international construction corporations in *qui tam* action in federal court alleging violations of the

False Claims Act involving allegations of bid rigging on international construction contracts. Also represented the corporations before the U.S. Court of Appeals for the D.C. Circuit, which resulted in the reversal of a \$104 million judgment for one corporation in the same case.

- Served as lead counsel to the owner of a mixed-income property development in an arbitration against a property management company involving claims of fraud, embezzlement, breach of fiduciary duty, and breach of contract.
- Represented a national telecommunications provider in numerous federal district court actions involving claims under the Telecommunications Act of 1996 against local county governments.
- Represented national nursing home chains and affiliates in various business litigation matters, including breach of contract and business tort claims, such as fraud, tortious interference, and alter-ego/veil-piercing.
- Represented a major property management corporation in a lawsuit seeking redress for the defendants' wrongful termination of the parties' agreement for property management services at a landmark office tower in Fulton County, GA.
- Represented an international manufacturer of electronic components in defense of a complaint for environmental damage, trespass, nuisance, and other relief.
- Served as litigation counsel to a national telecommunications provider in real estate litigation in state court arising out of a commercial lease dispute.
- Represented a Georgia corporation in the business of promoting and selling fashion merchandise, asserting state law claims based on action on open account, breach of contract and, in the alternative, breach of implied contract and unjust enrichment, and seeking judgment against the defendant for unpaid commissions earned and other monies owed pursuant to the parties' written agreements.
- Served as lead litigation counsel to a national retailer in a federal court action in South Carolina arising out of a dispute over a construction build-out and claims for breach of contract.
- Served as lead counsel to a national property management company in numerous industrial and commercial lease disputes ranging from real estate dispossessory actions to complex multiparty breach of contract and business tort litigation.

AWARDS

- Troutman Sanders LLP Eviction Defense Program; partnering with Atlanta Volunteer Lawyer Foundation (AVLF) to staff and personally defend dispossessory cases in Fulton County magistrate court (2005-present)
- Pro Bono Award, American Civil Liberties Union of Georgia (2013)
- Chief Justice Harold G. Clarke Award for Outstanding Achievement in Pro Bono Award (2011)
- Guardian Ad Litem, Fulton County Superior Court
- Represented a mentally disabled U.S. citizen in civil rights actions involving the client's wrongful and illegal detention and deportation to Mexico
- Served as lead counsel in successful appeal of denial of death benefits to U.S. Army veteran's widow before the Department of Veterans Affairs Board of Veterans' Appeals

TOP AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation
- Consumer Products
- Real Estate Litigation

ALL AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation
- Consumer Products
- Litigation + Trial
- Real Estate Litigation

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Board of Directors, Atlanta Volunteer Lawyers Foundation
- Board member, Atlanta Bar Association, CLE Board of Trustees, 2017-present
- Recruiting Committee, Troutman Sanders LLP, 2016-present
- Pro Bono Committee, Troutman Sanders LLP, 2014-2017
- American Bar Association (Litigation Section, Tort Trial and Insurance Practice Section)

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Georgia School of Law, J.D., *cum laude*, 2005
- University of Georgia, B.A., *magna cum laude*, *Phi Beta Kappa*, *Phi Kappa Phi*, *Golden Key Honor Society*, 1998

BAR ADMISSIONS

- Georgia

COURT ADMISSIONS

- Court of Appeals of Georgia
- Supreme Court of Georgia
- U.S. District Court, Northern District of Georgia
- U.S. District Court, Middle District of Georgia
- U.S. District Court, Southern District of Georgia
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, District of Columbia Circuit

SPEAKING ENGAGEMENTS

- Speaker, "Landscape of COVID Lease Litigation," Presentation to the ABA Leasing Section, March 24, 2021.
- Speaker, "Liability Issues for Open Businesses During the Crisis," Troutman Sanders and Pepper Hamilton COVID-19 Litigation Podcast Series, COVID-19 Resource Center, April 16, 2020.
- Speaker, "Accelerated Rent Clauses in Commercial Leases: Drafting and Enforcing Liquidated Damage Clauses," Strafford Publications, Inc. webinar, April 14, 2020.

PUBLICATIONS

- Co-author, "Sorting Out Access Easement Rights In Shopping Centers," *Law360*, September 29, 2022.
- Podcast, "COVID-19 Commercial Leasing Trends (Part Two)," *Troutman Pepper COVID-19 Legal Issues Podcast*, March 15, 2021.
- Podcast, "Liability Issues for Open Businesses During the Crisis," *Troutman Sanders and Pepper Hamilton COVID-19 Litigation Podcast Series*, April 16, 2020.
- Co-author, "Not So Fast! Enforcing Accelerated Rent Clauses in Commercial Lease Agreements," *Georgia Bar Journal*, December 2019.
- Co-author, "At Home in Georgia: The Hidden Danger of Registering to do Business in Georgia," *Georgia State University Law Review*, December 1, 2019.
- Author and Presenter, "Specialize to Succeed – Commercial Lease Disputes," Atlanta Bar Association Continuing Legal Education Seminar, 2015.
- Co-author, "The Standards for Proving Director Independence in the Contexts of Litigation and Board Composition and the Practical Implications of Independence," Institute of Continuing Legal Education in Georgia, Ninth Annual Business Organization Litigation Seminar, 2005.

MEDIA COMMENTARY

- Greg Land, "Contract Trumps Alleged Sales Claims in Condo View Lawsuit," *Fulton County Daily Report*, November 22, 2011.