



## BRIAN M. NYE

### PARTNER

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A member of the Litigation practice group, Brian Nye defends corporations in product liability, employment dispute, contract, insurance coverage, premises liability and complex mass tort litigation matters involving a wide range of claims. He also works as defense counsel for a Fortune 500 company on general litigation matters.

Brian's experience in state and federal courts includes:

- coordinating all aspects of fact and expert discovery;
- deposing key witnesses, including corporate representatives, expert and fact witnesses;
- preparing and producing corporate witnesses, expert and fact witnesses; and
- drafting and arguing pre-trial motions, including discovery and dispositive motions.

He has also served as national coordinating counsel and local counsel for clients facing asbestos claims.

In addition to his litigation experience, Brian helps clients minimize future litigation threats by assessing and managing the inherent risks of doing business.

### EDUCATION

- University of Kansas (J.D., 2009)
- University of Kansas (B.A., 2006)
  - Political Science

### PROFESSIONAL ACTIVITIES

- Illinois State Bar Association
- American Bar Association
- Chicago Bar Association
- Kansas Bar Association

### ACCOLADES

- The Best Lawyers in America®, Product Liability Litigation - Defendants (2024-present)

### SERVICES AND INDUSTRIES

Asbestos Litigation

Employment and Labor

Litigation

Product Liability

### ADMISSIONS

Illinois

Kansas

Missouri

## **BACKGROUND**

Prior to joining the firm, Brian worked at a Chicago civil litigation firm where his practice focused on complex mass tort litigation defense along with product and premises liability defense. Prior to that, he clerked for Chief Justice Lawton R. Nuss of the Kansas Supreme Court. During law school, Brian interned with the Third Judicial District Court of Kansas in Shawnee County, and he and his teammate argued and won the final round of the Robert G. Foulston and George Siefkin Moot Court Championship before a panel of judges that included U.S. Supreme Court Chief Justice John Roberts. Brian was named top oralist in the competition.

## **EXPERIENCE**

### **Jury Verdict Affirmed in Slip-and-Fall Case**

The Eighth Circuit Court of Appeals affirmed a verdict favorable for our client following a trial in which the jury found the plaintiff 94% at fault for a slip-and-fall following a major winter weather event. The Eighth Circuit affirmed the trial court's ruling excluding portions of the plaintiff's deposition designations, which sought to introduce the cost of the plaintiff's future medical care and information regarding his future surgeries.

### **Defense of Convenience Store Client in Personal Injury Case**

Represented a convenience store client in a jury trial before the Western District of Missouri in a case involving a slip and fall at a fueling station following a major winter storm. The plaintiff asked the jury for damages related to medical expenses, past pain and suffering, and future pain and suffering. Following a four-day trial, the jury assigned 94% of the fault to the plaintiff and only 6% to the client.

### **Temporary Restraining Order for Client Involving Noncompete Agreement**

Secured a temporary restraining order for a boiler service company. The defendant, a former employee, left the company without notice and went to work for a competing firm. The employee had signed a noncompete, nondisclosure and noninterference agreement with the client, and the court granted our motion prohibiting the defendant from continuing to work for the competing firm and any other business in the state competing with the client. Following the court's order, the defendant agreed to a permanent consent injunction.

### **Dismissal of Breach of Contract Claim**

Secured dismissal of breach of contract claim seeking over \$50,000 in damages. Argued multiple motions to the court and obtained order awarding costs to the client, a manufacturing company.

### **Representing Broker-Dealers and Registered Representatives in FINRA Arbitration Matters**

Representing broker-dealers and their registered representatives in more than 40 FINRA arbitration matters. Multiple matters tried to award in FINRA arbitration and others resolved via mediation and settlement during course of pre-hearing litigation.

### **Secured Defense Verdict for Client on Appeal**

Secured writ of prohibition for education industry client, making defense verdict final. Investigated and responded to untimely post-verdict attempt to amend pleadings.

Prevailed on appeal when post-verdict actions attempted without jurisdiction.