

Brian A. Cabianca

Partner

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About Brian

Brian Cabianca is a member of the firm's Global Board and Chair of the Litigation Practice in Phoenix, Denver, Dallas, and Houston. Brian has more than 25 years' experience handling business litigation, with an emphasis on class actions, antitrust, breach of contract, fraud, interference with business advantage, breach of fiduciary duty, trade secrets, securities, banking, noncompete agreements, the TCPA, and intellectual property. He represents a variety of clients, ranging from Fortune 500 corporations to individual entrepreneurs.

Brian is recognized in *The Best Lawyers in America* as "Lawyer of the Year" for Litigation – Banking and Finance in Phoenix. Brian also has been recognized in *The Best Lawyers in America* for Commercial Litigation since 2013. Likewise, *AZ Business* magazine has named Brian one of Arizona's "Top Lawyers" each of the last 14 years. He has also been included for the past 14 years in Thomson Reuters' *Southwest Super Lawyers*, a distinction honoring the top 5% of lawyers in the state. Brian also receives the highest ranking of AV from Martindale-Hubbell.

Brian is the former chair of the State Bar of Arizona's Class Action and Derivative Suits Committee. He regularly defends clients against putative class actions and has published on class action procedure.

Experience

- Successfully argued dispositive motion in a US\$200 million derivative lawsuit.
- Defended the deposition of a *New York Times* best-selling author and successfully argued the dispositive motion on US\$5 million claims for conversion, RICO, fraud, wrongful interference and unjust enrichment.
- Lead lawyer in securing summary judgment against a Fortune 500 company on contract claims valued at over US\$50 million.
- Lead lawyer in case involving 24 depositions and two-week trial and secured complete defense verdict against US\$18 million claims.
- Lead lawyer in securing a seven-figure summary judgment against a television network and principals.

- Obtained denial of class certification in putative US\$100 million class action and successfully defended a developer and country club against allegations of excessive development, excessive dues and fees and insufficient access to golf courses.
- Compelled individual arbitration in a nationwide class action seeking US\$35 million in damages alleging deceptive business acts, breach of implied contract and unjust enrichment.
- Lead lawyer in obtaining trial verdict on all claims, including punitive and exemplary damages against former employees for misusing the employer's confidential information and soliciting clients in breach of their employment contracts.
- Lead lawyer in compelling arbitration and securing dismissal of a nationwide UCC class action seeking over US\$100 million after obtaining complete reversal at state supreme court.
- Lead lawyer in a multiday evidentiary hearing that resulted in the complete dismissal of 17 different multimillion-dollar lawsuits arising out of an international distribution agreement.
- Lead lawyer at trial in securing a defense verdict in a high-stakes corporate acquisition matter involving the allocation of millions in environmental liabilities.
- Lead lawyer in a trial defending a financial institution against lender liability claims and securing a US\$6 million judgment in favor of client.
- Secured dismissal of a putative class action asserting US\$40 million wage and unfair business practice claims against a national transportation company; also successfully argued the appeal.
- Lead lawyer in a case involving more than 30 depositions over a 30-day period. The case settled on favorable terms during Brian's opening statement.
- Lead lawyer in obtaining trial verdict on a commercial lease dispute on all counts and securing award for the client of its attorneys' fees based on finding that the adverse party had "contrived breaches of the lease and acted in bad faith." The case was affirmed on appeal.
- Lead lawyer for the plaintiff and secured a permanent injunction in a federal jury trial on trademark, unfair competition and anti-cybersquatting claims.
- Obtained dismissal of fraud, breach of contract and RICO claims against a national marketing company.
- Defended various national banking institutions against claims of lender liability, securities fraud, breach of contract and breach of fiduciary duty.
- Secured a temporary restraining order and preliminary injunction against former employees under the Uniform Trade Secrets Act and various noncompete and nonsolicitation agreements.
- Secured denial of a preliminary injunction and dismissal of copyright and trademark claims against a product manufacturer.
- Lead lawyer in securing expedited receiverships over an apartment complex and other commercial projects.
- Successfully represented a mobile technology company in a putative class action in Northern District of Illinois seeking nearly US\$80 million in damages for alleged violations of the TCPA. After securing limited discovery and filing a motion for summary judgment, Brian secured dismissal of the class action for a US\$10,000 settlement payment.
- Resolved US\$18 million TCPA class action for US\$8,000 after conducting targeted discovery.
- Secured early dismissal of putative class action against third-party vendor, which otherwise could have resulted in US\$45 million judgment against client.
- Successfully sent to arbitration plaintiff's claims that our client, a nationally renowned bank, violated the TCPA by placing automated calls attempting to collect a debt over a roughly two week period to her cellular telephone despite the revocation of her consent.

Credentials

Education

- Arizona State University, J.D., Order of the Coif, Articles Editor, *Arizona State University Law Journal*, 1995
- Arizona State University, B.S., ASU Man of the Year, 1992

Admissions

- Arizona, 1995

Courts

- U.S. Ct. of App., Ninth Circuit, 2010
- U.S. Dist. Ct., Dist. of Arizona, 1995
- U.S. Dist. Ct., Dist. of Colorado, 2006
- U.S. Dist. Ct., N. Dist. of Illinois, 2008

Recognitions

- Named "Lawyer of the Year" by *The Best Lawyers in America* 2026 for Litigation – Banking and Finance in Phoenix
- Recognized in *The Best Lawyers in America* for Commercial Litigation since 2013
- Recognized since 2010 in Thomson Reuters' *Southwest Super Lawyers*, a distinction honoring the top 5% of lawyers in the state
- Named by *AZ Business* magazine as one of Arizona's "Top Lawyers" each of the last nine years
- Received the highest ranking of AV from Martindale-Hubbell since 2001

Expertise

Services

- Litigation

Industries

- Retail

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.