



## Bradley M. Risinger

Partner

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Raleigh Office Managing Partner, Brad is a seasoned trial lawyer whose practice centers on commercial disputes.

Trained as a journalist, he focuses on learning his client's story and harnessing it to answer the practical questions that judges, jurors and arbitrators have about an industry or business practice that is most often new to them.

Appearing frequently before the North Carolina Business Court and state and federal courts across the Southeast, Brad handles business litigation and complex disputes that often involve:

- Class action defense
- First Amendment and public records
- Renewable energy development
- Land use and zoning disputes
- Product design, manufacturing and distribution
- Coordination of ADR programs

Over a 30-year career, Brad has guided clients in their responses to major business and litigation trends. In recent years, he has focused on class action and constitutional litigation regarding privacy and free speech issues under federal and state statutes, including the government's creation and release of public records. That work has included fast-developing issues of proving and applying statutory damage provisions.

Brad also litigates zoning, land use and development issues. He often represents businesses and individuals in appealing adverse decisions on issuance of permits by cities and counties. He has also represented cities and counties in defending their interpretation and application of ordinances, as well as suits alleging discriminatory practices in hiring and promotion.

Well-versed in the policies and rules applicable to renewable energy, Brad also advises and represents solar energy developers before local governments, state commissions and courts.

In litigation involving pharmaceutical products, medical devices and asbestos-containing products, Brad has worked as national, regional and local counsel. These cases have included work on the science and epidemiology related to silicone gel breast implants, and defense of blood products suppliers during the transfusion-associated AIDS crisis. In these settings, Brad has coordinated ADR programs and participated in hundreds of mediations. His experience sparked an interest in being certified by the North Carolina Dispute Resolution Commission, and his current work as a mediator.

## Services

- Litigation
- Zoning & Land Use
- Renewable Energy & Project Development
- Law Firms & Attorneys
- Antitrust
- Alternative Dispute Resolution

## Before Fox Rothschild

Brad was a partner at Smith Moore Leatherwood LLP, which combined with Fox Rothschild in 2018.

## Beyond Fox Rothschild

Brad has long been involved with the United Way of North Carolina, and has served in multiple leadership roles within the organization, including chair and vice chair of its board of directors. He also served as vice chair of the board of directors of NC 2-1-1, the free, confidential 24-hour information and referral service provided by the United Way of North Carolina.

## Bar Admissions

- North Carolina
- District of Columbia

## Court Admissions

- U.S. District Court, Middle District of North Carolina
- U.S. District Court, Eastern District of North Carolina
- U.S. District Court, Western District of North Carolina
- U.S. District Court, District of Columbia
- U.S. Court of Appeals, Fourth Circuit

## Education

- Indiana University (B.A., *with high distinction*, 1986)
- Georgetown University Law Center (J.D., *cum laude*, 1990)

## Memberships

- North Carolina Association of Defense Counsel
- Defense Research Institute; Drug and Medical Device Committee
- American Bar Association

## Board of Directors

- United Way of North Carolina Board of Directors (2007-17): President/CEO search committee chair (2014); Board chair (2012-13); Board vice chair, and co-chair of Public Policy Committee (2010-11)
- NC 211 Board of Directors, vice chair (2015-17)

## Honors & Awards

- Selected by his peers as Raleigh *Best Lawyers* Lawyer of the Year (Woodward/White, Inc.), Real Estate (2014)
- Named to the "Lawyer of the Year" list for Litigation - Zoning and Land Use in North Carolina by *Best Lawyers* (2022, 2024)
- Selected to the "Best Lawyers in America" list for Product Liability Litigation - Defendants (2013-2024), Land Use & Zoning Litigation (2014-2024), Land Use & Zoning Law (2019-2024) and Personal Injury Litigation - Defendants (2024) in Raleigh, NC by *Best Lawyers*

- North Carolina *Super Lawyers*, listed General Litigation (2014-2021)
- Benchmark Litigation, North Carolina Litigation Star (2016-2020)
- Selected by *Triangle Business Leader* Magazine as a Top 50 Entrepreneur 2012
- Rated AV Preeminent™ by Martindale-Hubbell®

## Business Litigation

Brad's commercial litigation practice is centered on class action and complex business disputes. His clients include engineering firms, software developers, real estate developers and investors, medical and industrial product manufacturers, health care providers and vendors, and law firms and attorneys.

### Examples of his commercial litigation experience include:

- Lead counsel defending law firm and attorneys named in class actions alleging violations of Driver's Privacy Protection Act (DPPA) for viewing and using public records released under state law
- Represented law firm in multi-year dispute over attorneys' fees from nationwide discrimination class action, including service as lead counsel in two AAA arbitrations
- Defended software company in dispute over licensing fees and industry usage of contracting terms at federal trial and appellate levels
- Represented international agriculture machinery manufacturer in Business Court dispute over financing agreements and transactional accounting practices
- Defense of contract research organizations (CROs) in disputes over conduct and organization of clinical trials
- Counsel for startup medical device company in technology ownership dispute with affiliated physician
- Represented numerous North Carolina hospitals in government investigation of accounting and billing practices
- Represented potentially responsible parties (PRPs) in connection with clean up of a New England landfill, and a PCB-contaminated site in North Carolina

### Representative decisions

- *Hatch, et al. v. Michael A. DeMayo, et al.*, 2020 WL 4719632 (M.D.N.C. Aug. 13, 2020) (denying class certification in statutory damage claims arising from a federal privacy statute)
- *Garey, et al. v. James S. Farrin, P.C., et al.*, 2020 WL 4227551 (M.D.N.C. July 23, 2020) (denying class certification in statutory damage claims arising from a federal privacy statute)
- *Shoffner, et al. v. L.W. Pritchett, Jr., Inc.*, No. 1:16CV01354, slip op. (M.D.N.C. March 30, 2017) (dismissing environmental contamination claims arising from site of former service station)
- *North Carolina Farm Bureau Mutual Insurance Co. v. Clear Technology, Inc, et al.*, 601 F.Appx. 181 (4<sup>th</sup> Cir. 2015) (software agreement dispute regarding licensing fees vacated and remanded for trial)
- *Boyd v. James Scott Farrin*, 958 F.Supp.2d 232 (D.D.C. 2013) (dismissing claims arising from distribution of attorneys' fees in class action)

## Land Use & Zoning

Brad advises a range of private clients in navigating zoning and development rules, and appealing board and administrative determinations in North Carolina Superior Court. His clients include solar energy developers, commercial and residential real estate developers, and local businesses and non-profits.

### Examples of his land use litigation experience include:

- Represented solar farm developers in Superior Court appeals of permit denials by city and county entities
- Represented bank and development interests in challenge to denial of development proposal as inconsistent with Planned Development District rules
- Represented special use permit holder at trial and on appeal over issues related to restrictive covenants and municipal authority
- Counsel for developer in Business Court dispute over obligations of an infrastructure development agreement.

## Representative decisions

- *Island Grove Solar, LLC, et al v. Robeson County*, No. 18 CvS 00308, slip op. (Sup. Court, Robeson County, N.C., April 19, 2018) (reversing denial of permit to construct and operate solar energy facility)
- *Fifth Third Bank v. Town of Cary*, No. 14 CvS 1532, slip op. (Sup. Court, Wake County, N.C., June 4, 2014) (reversing denial of permit for Planned Development District project)
- *McCarran v. Village of Pinehurst*, 716 S.E.2d 667 (N.C. Ct. App. 2011) (upholding issuance of special use permit to church for construction of learning center)

## Product Liability

In product liability matters, Brad has represented pharmaceutical and medical device manufacturers, as well as entities that design and sell industrial vehicles and products. He has often litigated on behalf of hospitals and doctors related to their purchase and use of drugs and devices, including many cases involving compounded drugs.

### Examples of his product liability experience include:

- Defense of design, manufacture and use of specialized trucks to contain and transport hazardous substances in support of semiconductor facility
- Defense of engineering, design, and project management for a municipal wastewater treatment facility
- Represented hospital clients in multiple litigations regarding contaminated products provided by a compounding pharmacy
- Defended multiple litigations involving the design, manufacture and distribution of commercial roofing systems
- Defense of catastrophic fire litigations involving chemical explosions and allegedly defective machinery

## Representative decisions

- *Wake County Board of Education v. Dow Roofing Systems, et al.*, 792 F.Supp.2d 897 (2011) (dismissing claims and enforcing arbitration and forum selection clauses)

## Counties and Municipalities

Brad handles complex litigation for a wide range of municipal clients, typically defending cities and counties in the interpretation and application of ordinances and regulations.

### Examples of his municipal litigation include:

- Defend city in religious freedom challenge to zoning ordinance
- Defend county's development and application of water and sewer fees against statutory and constitutional challenge
- Represented county defendants against claims for unlawful termination, whistleblower retaliation, and tortious interference with contract claims
- Defense of constitutional challenge to municipal ordinance setting minimum health and safety standards for rental housing units
- Represented city in constitutional challenge by abortion opponents of ordinance regulating protest activities
- Defense of county in dispute over approval process for extensive mixed-use development with complex zoning and environmental issues

## Representative decisions

- *A Hand of Hope Pregnancy Resource Center v. City of Raleigh*, 332 F.Supp.3d 983 (E.D.N.C. 2018) (granting summary judgment for city on multiple claims arising from constitutional and zoning ordinance challenges)
- *Welton v. Durham County, et al.*, 2017 WL 3726991 (M.D.N.C. Aug. 28, 2017), *aff'd* 781 Fed.Appx. 242 (4<sup>th</sup> Cir. 2019) (dismissing numerous federal and state claims arising from allegations of race discrimination by county employee)

- *Godwin v. City of Dunn*, 2010 WL 2813513 (E.D.N.C. July 16, 2010) (dismissing claims that rental housing code was unlawful search and seizure under Fourth Amendment, or violated Fourteenth Amendment equal protection or due process protections)
- *Rakestraw v. Town of Knightdale*, 654 S.E.2d 825, *aff'd* 362 N.C. 237 (2008) (upholding municipal notice through publication and posting for zoning ordinance amendment)