



Brian J. Wall

PARTNER

Boston

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RELATED SERVICES

- Environmental & Toxic Tort
- Energy & Natural Resources
- Environmental Infrastructure Permitting
- Commercial Litigation
- Energy Infrastructure
- Oil, Gas & Fracking

OFFICES

- Boston
- Providence

OVERVIEW

Brian J. Wall is a partner in the Boston office of GRSM, and a member of the Commercial, Energy & Natural Resources and Environmental practice groups. He represents businesses across a wide range of industries, including the pharmaceutical, franchise and insurance industries, in complex litigation, commercial matters, and sensitive internal matters. Mr. Wall also represents energy companies on major infrastructure projects and environmental cases throughout the country.

While attending law school, he served as a Note Editor for the *Suffolk University Law Review* and completed Suffolk's Business Law and Financial Services Concentration with academic distinction.

REPRESENTATIVE EXPERIENCE

Commercial Matters:

- Obtained a \$3.5 million judgement for a pharmaceutical company in a fourteen-day international arbitration against a multinational contract manufacturing organization, succeeding on claims for breach of contract and breach of the covenant of good faith and fair dealing.
- Represented a pharmaceutical company in federal court litigation arising out of the construction of a new drug manufacturing facility, including defending breach of contract and quantum meruit claims.
- Represented a franchisor in federal courts throughout the country to enforce franchise agreement terminations, non-competition restrictions and forum selection clauses, and to enjoin the misappropriation of trade secrets, trademarks and trade dress.
- Represented a public pharmaceutical company in responding to a civil investigative demand from the Department of Justice concerning the False Claims Act.
- Conducted internal investigations for public pharmaceutical companies in connection with employment issues, environmental matters, and regulatory compliance.
- Obtained summary judgement for an international travel company in Massachusetts Superior Court, dismissing claims for breach of contract, misappropriation of image/likeness, and unfair trade practices under G.L. c. 93A.
- Participated in a month-long shareholder derivative trial, including daily trial preparation and extensive post-trial briefing, which resulted in a seven-figure verdict for the client and an award of legal fees. *See Beninati v. Borghi*, 2014 WL 4639447 (Mass. Super. July 9, 2014).

Energy Infrastructure Projects:

- Permian Highway Pipeline Project (Fall 2018 to Present) – Counsel for the Permian Highway Pipeline Project, one of the largest natural gas pipeline projects currently under construction in the country. The \$2 billion project is an approximately 430-mile, 42-inch diameter underground natural gas pipeline that crosses more than 1,000 properties in Texas. Project highlights include obtaining access rights on more than 40 properties through temporary restraining order actions; filing over 250 condemnation actions in multiple jurisdictions to acquire easement rights; successfully trying over 100 administrative hearings (several involving over \$10 million in damages); and negotiating dozens of possession and easement agreements.
- Line 261 Upgrade Project (Fall 2019 to Spring 2020) – Counsel for the Line 261 Upgrade Project, a natural gas pipeline project involving the installation of approximately 2.1 miles of pipeline in western Massachusetts, and the removal of an inactive pipeline. Project highlights included successfully acquiring easement rights on twenty-five properties through negotiation and litigation.

- Connecticut Expansion Project (Fall 2015 to Spring 2017) – Counsel for permitting and land acquisition in Massachusetts and Connecticut for the Connecticut Expansion Project, an approximately twelve-mile Federal Energy Regulatory Commission interstate natural gas pipeline project. Project highlights included successfully acquiring state forest land for the project by obtaining a ruling that a Massachusetts constitutional amendment barring condemnation of state forest land was pre-empted by federal law. Significant decisions included:
 - *Tennessee Gas Pipeline Company Co., LLC v. Commonwealth of Massachusetts*, No. 1676CV00083 (Mass. Super. May 9, 2016) (holding that a Massachusetts constitutional amendment barring condemnation of state forest land was pre-empted by federal law).
 - *In the Matter of Tennessee Gas Pipeline Co., LLC*, MADEP Docket No. 16-020, File No. X265051 (Mar. 27, 2017) (upholding the issuance of a water quality permit on appeal after an evidentiary hearing, and issuing a first impression ruling that the regional office of MADEP lacked authority to condition the grant of the permit on the exhaustion of appeals).
 - *Berkshire Envtl. Action Team, Inc. v. Tennessee Gas Pipeline Co., LLC*, 851 F.3d 105 (1st Cir. 2017) (addressing the novel legal issue of whether the issuance of a water quality permit was a final agency action allowing an immediate appeal to the U.S. Court of Appeals).
- Northeast Energy Direct Project (Spring 2015 to Spring 2016) – Counsel for permitting and land acquisition in Massachusetts, Connecticut and Pennsylvania for the Northeast Energy Direct Project, an approximately 134-mile FERC-approved interstate natural gas pipeline project. Project highlights included successfully filing the largest survey permission petition in Massachusetts history, and leading land acquisition efforts for over 400 properties. If completed, the project would have been the largest infrastructure project in the history of New England; however, it was suspended prior to construction because of issues surrounding capacity commitments.

Environmental Litigation:

- MTBE Litigation – Counsel for major oil companies in litigation initiated by several states, including Pennsylvania, Maryland, Rhode Island and Vermont, alleging groundwater contamination with the gasoline additive methyl tert-butyl ether (“MTBE”) and seeking billions of dollars in damages. The MTBE litigation consists of an MDL in the U.S. District Court for the Southern District of New York, and several related cases in federal courts throughout the country. These cases are among the largest active environmental cases in the United States.

CREDENTIALS

Admissions

- Massachusetts
- Rhode Island
- U.S. District Court, District of Massachusetts

- U.S. District Court, District of Rhode Island
- U.S. District Court, Eastern and Southern Districts of Texas
- U.S. Court of Appeals, First Circuit

Memberships

- Boston Bar Association
- Massachusetts Bar Association
- Rhode Island Bar Association

Education

- J.D., *magna cum laude*, Suffolk University Law School, 2013
 - *Suffolk University Law Review*, Note Editor
 - Business Law & Financial Services Concentration with Academic Distinction
- B.A., Political Science, Boston College, 2008