



**Brian C. Newberry**

Partner

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**Experience**

Brian C. Newberry has represented a range of clients, large and small, in state and federal courts as well as in various alternative dispute resolution mediums. Brian concentrates his practice in cases involving shareholder disputes, business and tax litigation, architects and engineers liability, accounting and legal malpractice, insurance defense and class action suits.

Brian's accomplishments include the representation of the winning plaintiff in a breach of contract action labeled one of the five most significant verdicts of the year for 2002 by *Rhode Island Lawyer's Weekly*. He was also lead counsel for the plaintiff in a business dispute which resulted in the second highest jury verdict of the year in Rhode Island in 2003.

**Admitted to Practice**

- Rhode Island
- Massachusetts
- Connecticut
- United States District Court for the District of Massachusetts
- United States District Court for the District of Rhode Island
- United States Court of Appeals, First Circuit
- United States Court of Appeals, Federal Circuit
- United States Tax Court

**Business and Professional Associations**

- Member, Rhode Island House of Representatives, District 48 (North Smithfield/Burrillville)
- Past Chairman, North Smithfield, Rhode Island Juvenile Hearing Board
- Member, North Smithfield, Rhode Island Public Library Board of Trustees
- Past Vice-Chairman, North Smithfield, Rhode Island Republican Town Committee
- Member, Rhode Island Republican Party State Central Committee
- Former Member, Rhode Island Lottery Commission
- Former Member, House of Delegates for the Rhode Island Bar Association

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## **Education**

- Temple University School of Law (J.D., 1996, *magna cum laude*)
  - Two year member of the Law Review
- University of Pennsylvania (B.A., American History/Urban Studies 1993)

## **Representative Cases/Matters**

- Blue Coast, Inc. v. Suarez Corporation Industries, 870 A.2d 997 (R.I. 2005);
- Woloohojian v. Bogosian, 828 A.2d 522 (R.I. 2003);
- Woloohojian v. Bogosian, 821 A.2d 681 (R.I. 2003);
- Lawton v. Nyman, 327 F.3d 30 (1st Cir 2003);
- Rose v. Firststar Bank, 819 A.2d 1247 (R.I. 2003);
- Bogosian v. Woloohojian Realty Corporation, 323 F.3d 55 (1st Cir. 2003);
- Capital Video Corporation v. Commissioner of Internal Revenue, 311 F.3d 458 (1st Cir. 2002);
- Sea Fare's American Café, Inc. v. Brick Market Place Associates, 787 A.2d 472 (R.I. 2001);
- BHG, Inc. v. F.A.F., Inc., 784 A.2d 884 (R.I. 2001);
- Rhode Island Charities Trust v. Engelhard Corp., 267 F.3d 3 (1st Cir. 2001);
- Donato v. BankBoston, N.A., 110 F. Supp.2d 42 (D.R.I. 2000);
- Ross-Simons of Warwick, Inc. v. Baccarat, Inc., 217 F.3d 8 (1st Cir. 2000);
- Caranci v. Blue Cross & Blue Shield of Rhode Island, 194 F.R.D. 27 (D.R.I. 2000);
- In re Petition for Review, 745 A.2d 769 (R.I. 2000);
- Crystal Restaurant Management Corp. v. Calcagni, 732 A.2d 706 (R.I. 1999).

## **Articles and Publications**

*New Rhode Island Legislation Proposes to Alter Retention Process for A/E Firms on Public Projects*, The Design and Construction Management Professional Reporter, June 2010.

Contributing Author, *Chapter 4: Architect-Engineer Contracting*, Federal Government Construction Contracts, Editors: Adrian L. Bastianelli III, Andrew D. Ness, Joseph D. West, published by American Bar Association, 2010.

*Managing Your Practice in a Down Economy*, co-authored with David Hatem, partner at Donovan Hatem LLP, STRUCTURE Magazine, December 2009.

*Court Decision Changes Class Action Landscape*, Rhode Island Bar Journal, Vol. 53, No. 3  
Nov/Dec 2004.

*Duplicative Litigation*, Rhode Island Bar Journal, Vol. 52, No. 6, May/June 2004.

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*(Brian C. Newberry, continued)*

*Jurisdiction for Class Actions Problematic*, Rhode Island Bar Journal, Vol. 52, No. 2, Sept/Oct 2003.

*Appealing the Issue of Certification*, The National Law Journal, October 8, 2001.

*Taking the Dormant Commerce Clause Too Far: West Lynn Creamery, Inc. v. Healy*, 114 S. Ct. 2205 (1994), 69 Temp. L. Rev. 1, 1996.