

# Brian McMillan

Partner



## CONTACT INFO

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## OFFICE

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Brian McMillan brings experience and insight from more than 10 years in manufacturing, distribution and sales and more than 18 years practicing law at Brooks Pierce to bear on his counsel to individuals and businesses. His practice focuses on a wide variety of litigation and transactional matters.

## MY PRACTICE

### BUSINESS AND CORPORATE

Brian's business and practical background gives him a deep understanding of his clients' goals, operations and legal challenges. His business and corporate practice includes negotiating and drafting distribution agreements, franchise agreements, lease agreements (on behalf of both lessors and lessees), employment agreements, and purchase/sales contracts. He also has extensive experience negotiating and drafting all manner of business contracts and agreements.

## PRACTICE AREAS

Administrative and Regulatory  
Business and Corporate  
› Entity Formation  
› Franchise  
› Mergers & Acquisitions  
Employment  
› Employment Litigation  
International & Cross Border  
Land Use & Zoning  
Litigation  
› Appellate  
› Complex Business Litigation  
› Federal Litigation  
› Litigation Support Technology  
› Mediation & Arbitration  
› North Carolina Business Court  
Real Estate  
Utilities

## INDUSTRIES

Banking, Investment & Financial Services  
Construction & Development  
Health Care  
Insurance  
Manufacturing  
Not-for-Profits  
Real Estate  
Retail  
Technology  
Transportation  
Utilities

## EDUCATION

University of California at Los Angeles  
J.D., 1996, Phi Alpha Delta; Roscoe Pound Moot Court Award—Best Advocate; Moot Court Honors Board  
University of Denver  
B.S., 1982, Beta Gamma Sigma; Mu Kappa Tau (national marketing honorary society); MKT Outstanding Jr. & Sr. Awards

## BAR & COURT ADMISSIONS

California

## BUSINESS LITIGATION

North Carolina

Brian advocates for his clients in a wide range of business disputes, both before litigation commences and during litigation, including breach of contract, breach of warranty, and property tax disputes. He also has experience litigating will caveats and disputes among owners of closely-held entities.

## GENERAL COUNSEL

With more than ten years of experience in business management and operations, Brian understands his clients and their industries and regularly provides advice to his clients on day-to-day business matters and their legal implications, in effect serving as general counsel to those clients.

## CONDEMNATION/ EMINENT DOMAIN

Brian represents land owners whose land has been taken or is threatened with taking by the North Carolina Department of Transportation (NCDOT) and/or local municipalities through the exercise of their power of eminent domain (condemnation). The focus of Brian's condemnation practice is securing fair and adequate compensation for his clients for the land that the government wants to take or has taken. In that regard, in the last 18 years he has negotiated numerous settlements, including six- and seven-figure dollar amounts, and has taken several condemnation cases to trial. Recently, he and his Brooks Pierce partners won a jury award of \$6.3 million for a client from whom the NCDOT had taken a portion of the client's property for a highway. The NCDOT's evidence at trial in that case had been that the property owner was entitled to damages of less than \$1.5 million. Brian also negotiates with condemning authorities prior to condemnation regarding the impact of public projects on land owned by his clients. In some cases, those negotiations include advocating on his client's behalf for road designs or routes that bypass his client's land.

## HONORS

Selected by his peers for inclusion in [The Best Lawyers in America](#)® in Eminent Domain and Condemnation Law (2021)

## COMMUNITY INVOLVEMENT

Member, [North Carolina Bar Association](#) (1997-present)

Member, [American Bar Association](#) (1997-present)

Board of Directors, Presbyterian Counseling Center (2019-present)

Coach, Grimsley High School Moot Court Team (1998-present)

National Labor Relations Board Strikes Arbitration Agreement, December 20, 2019

US Department of Labor Clarifies Impact of Fringe Benefits on Overtime, December 18, 2019

Brooks Pierce Case Recognized As One of N.C.'s Largest Eminent Domain Verdicts in 2018, March 11, 2019

North Carolina Lawyers Weekly Reports on Recent \$2.6 Million Verdict for Brooks Pierce Client, January 25, 2019

Key Settlement Highlighted by North Carolina Lawyers Weekly, October 24, 2017

Jury Awards Brooks Pierce's Clients Over \$6 Million in Condemnation Case, October 14, 2012

Brooks Pierce Attorneys Participate in Public Service Day, April 4, 2008