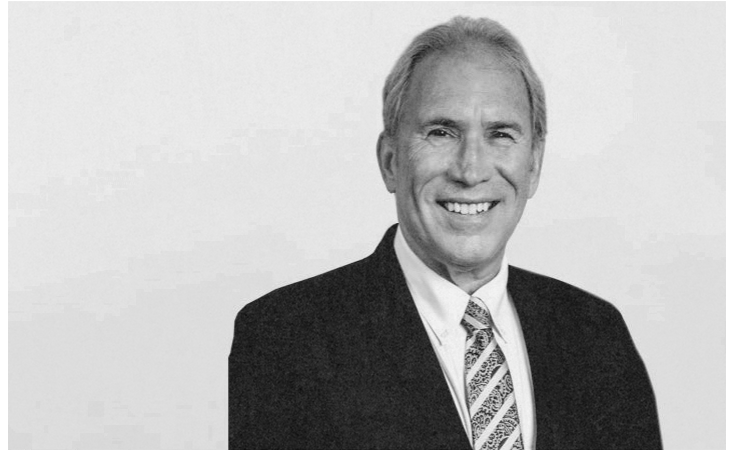




RUSING LOPEZ
& LIZARDI
ATTORNEYS AT LAW



Brian M. Mueller

PARTNER

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Brian Mueller has over 40 years of experience counseling and representing clients in commercial litigation matters on behalf of various business interests throughout Arizona, and the U.S, at the state, federal and appellate levels.

Brian's clients range from grass roots organizations to multi-million-dollar corporations. In addition to serving as a first chair trial lawyer throughout his career, Brian has a wide range of experience counseling clients regarding contract disputes, business torts, valuation issues, municipal law, banking and financial services, receiverships and conservatorships, corporate control and shareholder rights, construction, insurance, intellectual property, real estate matters, trust and estates, municipal, media and first amendment, professional liability, transaction privilege and use tax, Federal Trade Commission, trade and consumer, and telecommunications matters.

Brian has also served as Judge Pro Tem for Maricopa County Superior Court for over 15 years and was a certified player agent by both MLBPA, the NHLPA, and PHPA.

He has been named by Arizona Business Magazine as a "Top Arizona Attorney" and recognized by Southwest Super Lawyers in Business Litigation, General Litigation, and Estate & Trust Litigation. Most recently Brian was recognized by The Best Lawyers in America® in Litigation - Real Estate.

Professional Experience

- Has served as first chair trial counsel in over fifty jury trials at both the state and federal level.
- Written briefs and argued cases in front of the Arizona Court of Appeals, the Arizona Supreme Court, the Ninth Circuit Court of Appeals, the Bankruptcy Appellate Panel for the Ninth Circuit, and the Second Circuit Court of Appeals.
- Represented the Seneca Cayuga Nation of Oklahoma in the first and only Indian land claim ever to go to trial.
- Wrote a portion of a brief that was submitted to and argued before the US Supreme Court - Cayuga Indian Nation of New York v. Pataki.

EDUCATION

Juris Doctor, University of Notre Dame Law School, 1983, cum laude

- Associate Editor, *Notre Dame Law Review*
- Associate Editor, *International Law Review*

Bachelor of Science in Sociology, Arizona State University, 1974, magna cum laude

ADMISSIONS

- Arizona State Bar
- US District Court, Arizona
- US Court of Appeals for the Second Circuit
- US Court of Appeals for the Ninth Circuit

CONCENTRATION

- Contracts
- Estates & Trust Litigation
- Patent, Trademark, Copyright & Trade Secret Litigation & Prosecution
- Restrictive Covenants, Confidentiality/Trade Secret & Intellectual Property Rights
- Business Formation & Corporate Governance
- Real Estate & Construction Litigation
- Business Litigation
- Professional Malpractice
- Appellate Representation

Professional Experience

- Successful resolution of intellectual property and trademark infringement lawsuit brought in federal court by international manufacturer
- Successful resolution of wrongful termination and constructive discharge Arizona state law claims against employer
- Defended franchisee in trial in federal court in New Jersey against claims by national franchisor concerning termination of the franchise
- Represent clients in the prosecution or defense of Consumer Fraud Act, Truth-in-Consumer Contract Warranty and Notice Act and related claims
- Representation of scrap metal distributors in state and federal courts concerning claims including breach of contract, fraud, violation of the Uniform Commercial Code and violation of Racketeer Influenced and Corrupt Organizations Act
- Represent and counsel clients on all aspects of curative title real estate matters including special proceedings to obtain the discharge of, or to reinstate, mortgages
- Counseling prospective franchisees in obtaining a franchise, as well as counseling start-up franchisors in beginning a franchise
- Assisting employer in conducting investigation into employee harassment and retaliation claims and preparation of final report

Presentations / Publications

- The Franchisor-Franchisee Worker Classification Conundrum, JDSupra.com, October 20, 2021

Professional Memberships and Civic Activities

- National Association of Dealer Counsel, Member
- Society for Human Resource Management (SHRM), Member
- DRI, Employment & Labor Law, Member