



# Brian J. Augustine

Brian is a partner in the firm's Litigation Department where he focuses his practice on transportation law and complex commercial litigation. He chairs the firm's Transportation and Logistics Practice Group.

Brian has served as lead counsel in a wide range of litigation matters in state and federal courts. He represents clients in a diverse range of industries including IT services, blockchain and cryptocurrency, transportation and logistics, construction, higher education, retail, hospitality and precision manufacturing.

He litigates, mediates and arbitrates commercial disputes and handles individual and class action claims including Consumer Sales Practices Act claims, warranty claims, non-compete enforcement and defense, construction disputes, premises owner/operator liability matters, wrongful death and catastrophic injury.

In his transportation practice Brian represents international and domestic carriers, brokers, freight forwarders, third-party logistics providers and shippers in a wide variety of commercial, liability and regulatory matters. He has extensive experience litigating Carmack Amendment claims and related broker-shipper-carrier disputes including those involving trade secrets and other confidential business information. He advises transportation industry clients on licensure, regulatory compliance, contracting practices and operating procedures. He also frequently litigates cargo and liability insurance coverage disputes arising from freight claims and other transportation incidents. Brian is listed in *The Best Lawyers in America*<sup>®</sup> in the area of Transportation Law.

Brian also brings a unique background to Porter Wright's Crisis Management team. He has years of experience coordinating emergency response protective investigations and crisis management strategies for transportation and industrial incidents.

## Partner

[baugustine@porterwright.com](mailto:baugustine@porterwright.com)  
513.369.4216  
[www.porterwright.com](http://www.porterwright.com)

250 East Fifth Street  
Suite 2200  
Cincinnati, OH 45202

## EDUCATION

Illinois Institute of Technology  
Chicago-Kent College of Law, J.D.,  
2006

University of Michigan, B.A., 2002

## SERVICES

### Business Competition, Advice & Litigation

- Non-competition and trade secret counseling and litigation

### Litigation

- Product liability
- Transportation and logistics
- Commercial litigation
- Catastrophic injuries
- Arbitration and mediation
- Insurance litigation
- Unmanned and autonomous systems (Drones and driverless vehicles)

### Real Estate

- Zoning, annexation and land use planning

### Government & Regulatory Affairs

- Regulatory drafting and advocacy
- Zoning

### Corporate & Internal Investigations



### **Representative Matters**

- Successful representation of national restaurant brand in putative class action lawsuit involving claims including Consumer Sales Practices Act, Magnuson-Moss Warranty Act, express and implied warranty and fraud
- Counsels, negotiates and litigates on behalf of motor carriers, freight brokers and shippers in all manner of Carmack Amendment claims
- Secured summary judgments on behalf of clients in wide range of cases including breach of contract, premises liability, trucking accidents, bad faith, fraud and negligence
- Secured a voluntary dismissal, without payment, of all claims against a national trucking company and its CDL driver in a four-vehicle trucking accident case
- Secured a summary judgment for an international transportation company and its truck driver using a novel legal theory that an allegedly applicable Ohio Statute was unconstitutional as applied to firm clients because it violated the Commerce Clause of the U.S. Constitution.
- Secured dismissal of all claims against a provider of security services in federal court involving allegations of tortious interference, civil conspiracy and various alleged constitutional and Kentucky statutory violations
- Successfully defended a putative class action lawsuit on behalf of a large residential commercial complex, including dismissal of lawsuits by 165 plaintiffs with alleged claims including fraud, conversion, statutory violations and punitive damages

### **DOT and PUCO Regulations**

- Counsels transportation and logistics companies on regulatory compliance issues, licensure, insurance and allocation of risks and obligations by contract
- Conducts regulatory compliance investigations for trucking companies to assess and counsel regarding compliance with Federal Motor Carrier Safety Regulations (FMCSRs) and Public Utilities Commission of Ohio (PUCO) regulations
- Counsels software development company on FMCSR compliance issues raised by use of electronic bills of lading in connection with transportation of household goods
- Counsels trucking companies on driver qualification requirements and issues raised by driver leasing agreements with third parties

### **Bar Admissions**

Illinois

Kentucky

Ohio

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the Eastern District of Kentucky

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Illinois

### **PROFESSIONAL ASSOCIATIONS**

- Tri-State Transportation and Logistics Council
- Columbus Region Logistics Council
- Cincinnati Bar Association
- Kentucky Bar Association
- USLAW Network



U.S. District Court for the Northern District of Ohio  
U.S. District Court for the Southern District of Ohio

**Presentations**

- “New Rules of the Road: Regulatory Update,” Tri-State Logistics Council, April 11, 2018
- “Litigation: Five Minute Drill – Emergency Response,” Corporate Counsel Forum, 2012

**Honors | Awards**

- *Best Lawyers*<sup>®</sup>, Transportation Law
- *Ohio Super Lawyers*<sup>®</sup>, Rising Stars Edition, 2011, 2014-2016

**Community**

- St. Xavier High School Alumni Association