



## O'MELVENY & MYERS LLP

### Brian Boyle

PARTNER



Washington, DC  
1625 Eye Street, NW  
Washington, DC 20006  
Phone+1-202-383-5327  
Fax+1-202-383-5414

bboyle@omm.com

**Brian Boyle** is a Partner in O'Melveny's Washington, DC office. His practice focuses on consumer class action litigation, representing corporations in the insurance, health care, and financial services industries. Brian is Co-Chair of the firm's Health Care and Life Sciences Practice, and is also active in the firm's Appellate Practice. Between 2003 and 2005, Brian served as Principal Deputy Associate Attorney General in the U.S. Department of Justice, with oversight responsibility for each of the Department's litigating divisions.

#### Illustrative Professional Experience

- Obtained dismissal of multiple class actions against retirement services providers in ERISA class action fiduciary litigation challenging the reasonableness of 401(k) plan fee structures.
- Obtained a denial of class certification in a purported nationwide class action against a large health insurance company alleging that the insurer unlawfully took discounts on provider claims using a "silent" preferred provider organization.
- Obtained partial denial of certification, and elimination of portion of class period, in securities class action litigation against large government-sponsored enterprise over withdrawal of enterprise's financial statements.
- Obtained dismissal, on jurisdiction and exhaustion grounds, of nationwide class action litigation against large Medicare Advantage contractor over alleged misclassification of Medicare Part B and Part D drugs.
- Served as lead counsel for a managed care company in a multi-defendant action alleging that managed care companies and full-service hospitals engaged in a group boycott of a new-entrant specialty hospital.
- Served as lead counsel for a large managed care company in *In re Managed*

*Care Litigation* (MDL No. 1334; S.D. Fla.), encompassing a series of nationwide class actions on behalf of health plan subscribers and the physicians and other health care providers who serve them.

- Served as national coordinating counsel for a large, investor-owned hospital system in actions challenging pricing practices with respect to uninsured patients.
- Obtained summary judgment for a large managed care company in a statewide purported class action alleging a group boycott of the Medicare HMO program in California.
- Obtained a denial of class certification in a purported RICO class action involving alleged pricing irregularities in commercial insurance policies by a series of property & casualty carriers.
- Represented a property and casualty carrier in a purported nationwide class action involving alleged wrongful failure to pay policyholder dividends.
- Obtained a denial of class certification and awards of summary judgment for an automobile manufacturer in a variety of consumer class actions raising purported claims of fraud surrounding the design and sale of sport-utility vehicles.
- Sustained removal to federal court, and obtained a judgment of dismissal on Medicare preemption grounds, on behalf of a health maintenance organization in a purported class action by members of failed independent practice associations seeking direct recoveries against insurers.
- Obtained a denial of class certification for an automobile manufacturer in purported nationwide and statewide class actions raising across-the-board claims of race discrimination in employment, and obtained summary judgment against the class in the sole action in which certification was granted.

#### Professional Activities

**Law Clerk**, Honorable Antonin Scalia, U.S. Supreme Court; Honorable Laurence H. Silberman, U.S. Court of Appeals, District of Columbia Circuit

**Admitted to Practice**, U.S. District Court, District of Columbia; U.S. Courts of Appeals, Second, Fourth, Fifth, Eighth, Ninth, Eleventh, and District of Columbia Circuits; U.S. Supreme Court

**Former Assistant to the General Counsel**, Office of the Secretary of the Army (1986-1991)

**Former Principal Deputy Associate Attorney General**, U.S. Department of Justice (2003-2005); Recipient of the Edmund J. Randolph Award for Outstanding Justice Department Service (April 2005)

**Member**, American Bar Association, American Health Lawyers Association, American Law Institute

#### professional focus

Appellate  
Health Care  
Class Actions, Mass Torts and Insurance Litigation  
Environmental Law  
Electronic Discovery and Document Retention  
Insurance and Reinsurance  
ERISA Litigation  
United States  
Financial Services

#### education

**Harvard University**, J.D., 1986:  
*magna cum laude*; Editor, *Harvard Law Review*

**Georgetown University**, A.B., 1982:  
*summa cum laude*

#### admitted

District of Columbia; California

#### publications

**Securing Judicial Review of Arbitral Class Awards**  
(*Employment Law360*, November 20, 2007)

**More Searching Fact-Based Scrutiny of Proposed Class Actions Finally Reaches Securities and Antitrust Actions** (*Class Action Watch*, September 2007)