

Thomas M. Brennan

MEMBER

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BIOGRAPHY

Tom Brennan represents individuals and corporations in business disputes and for state and federal regulatory investigations. Tom has experience representing his clients in every stage of litigation, from state trial court proceedings to Ninth Circuit appeals to alternative dispute resolution.

Tom litigates his clients' claims in a wide variety of corporate, real estate, contractor, and vendor breach of contract, fraud, and misrepresentation claims. His matters range from domestic LLC disputes to disagreements over complex international business transactions.

Past cases include the successful prosecution of a multimillion dollar fraud claim related to the acquisition of a Chinese pharmaceutical entity, the defense of a company accused of fraudulently billing the Department of Defense, the settlement of a dispute regarding the dissociation terms of a LLC, the negotiation of a division of corporate assets, and the defense of a corporate entity accused of wrongful employment termination and the withholding of wages.

Having worked in federal government, Tom assists clients when responding to federal and state agencies. Whether a matter involves compliance issues or the prospect of civil monetary penalties, Tom is uniquely qualified to represent clients interacting with the government. Threatened with a shutdown of business operations, Tom has represented a business forced to explain manufacturing processes to a federal oversight agency and a business required to explain its billing practices to another federal agency. Tom has defended clients accused of violating federal acquisition regulations and prosecuted cases against federal agencies under the Administrative Procedure Act and Freedom of Information Act (FOIA). He also has obtained monetary penalties and judgment for clients seeking records from local municipalities under the Washington State Public Records Act.

Tom also practices in the area of federal constitutional law, including First Amendment free speech litigation and Fourth Amendment search and seizure law. Tom has successfully defended federal employees accused of constitutional torts under federal *Bivens* law, and he has challenged the legality of use of force by local law enforcement agencies.

Tom and McKay Chadwell are uniquely qualified to serve as officers of the court, and in the past Tom served as counsel for a court-appointed Receiver on one of the largest Ponzi investment frauds committed in Washington State (*S.E.C. v. Zidar, et al.*, U.S. Dist. Ct., W.D. WA., C00-823). John Wayne Zidar and his co-conspirators bilked \$75,000,000.00 from 6,000 individuals. Tom managed the receivership that liquidated and distributed \$25,444,089.30 in assets back to the investor victims.

Before law school, Tom worked as a Legislative Assistant for United States Senator Patty Murray (D-WA) and advised Senator Murray on the Banking Committee, the Budget Committee, and other key legislative issues, including budget, tax, small business, and encryption policy.

Tom also worked at Kamer-Singer & Associates in San Francisco where he helped coordinate the communications strategy for DeBartolo Entertainment's successful bid to win voter-approval of a new San Francisco 49er football stadium on behalf of the NFL franchise.

EDUCATION

- J.D., Seattle University School of Law
- B.A., University of Notre Dame, Economics with focus on Philosophy and Politics

COURT & BAR ADMISSIONS

Court Admissions

- United States District Court (Western District of Washington & Eastern District of Washington)
- United States Court of Appeals, Ninth Circuit

Bar Admission

- Washington

REPRESENTATIVE CASES

- Civil Defense, Recoupment of Overpayments – Successful representation of local property investor against a large institutional lender who sought over \$3,000,000.00 in damages and alleged violations of 18 U.S.C. 1962, the civil Racketeer Influenced and Corrupt Organizations (RICO) Act. McKay Chadwell prevailed in a motion for summary judgment dismissing the plaintiff's claims and recouping overpayments made by the client to the institutional lender. Instead of facing liability in excess of \$10,000,000.00, the client recovered significant funds from

the lender.

- Civil Litigation, Crime Victim Advocacy – Successful representation of real estate developer who was defrauded by his business partner. McKay Chadwell filed suit and secured a \$2,600,000.00 judgment for the client. In proceedings to enforce the judgment, the firm assisted law enforcement in prosecuting the defendant. The client ultimately recovered on his judgment, and the defendant was convicted by state prosecutors and continues to serve his sentence in prison.
- Business dissolution – Successfully represented client in proceedings to dissolve jointly held business and divide the business assets between the client and a minority owner. The owners of the family restaurant chain had reached an impasse over the direction of the business and the appropriate use of approximately \$10,000,000.00 in assets. McKay Chadwell negotiated the winding up of the business, allowing the minority owner to cash out of the business and the client to retain the income-generating restaurant assets.
- Department of the Army Debarment Proceedings – Successful representation of Iraqi government contractor accused of improper bidding practices during the reconstruction of Iraq. After an investigation, McKay Chadwell negotiated with the Army's Procurement Fraud Division officials and provided an analysis and supporting documentary evidence undermining the Department's allegations. The matter was resolved by way of an administrative compliance agreement rather than debarment.
- Federal Civil Rights Defense, *Bivens* Liability – Successful civil litigation defense, in the Western District of Washington, of a civilian Department of Defense (DoD) employee who was wrongfully accused of violating free speech rights of anti-war protesters and making false arrests of anti-war protesters. McKay Chadwell secured dismissal of the *Bivens* claim and has briefed and argued various aspects of the case before the Ninth Circuit Court of Appeals.

AWARDS AND PUBLICATIONS

Recipient of Washington State Bar Association Pro Bono Publico Service Commendation

[Of Ponzi Schemes and Homemade Chili](#), Washington Law & Politics

PUBLIC & CIVIC INVOLVEMENT

- Washington State Bar Association
- Federal Bar Association, Western District of Washington
- Washington State Association for Justice
- King County Bar Association
- King County Bar Association's Volunteer Legal Services
- University of Notre Dame Club of Western Washington