



Bradley D. Shwer

Partner

602-682-6106

bshwer@thorpeshwer.com

Brad is a co-founding partner of Thorpe Shwer who practices in the areas of commercial litigation, business torts, personal injury torts, and products liability. He represents his clients in a variety of contractual disputes, business tort claims, personal injury defense, product liability claims, collections, franchise litigation, premises liability claims, insurance litigation, and deficiency actions. Brad has litigated and tried cases in numerous states around the country in both federal and state court.

Along with his partner Bill, Brad co-founded Thorpe Shwer to create a law firm that provides quality litigation services, as well as a dedication to strong client relationships, efficient and aggressive representation, and personal service. In other words, Brad believes that clients should receive top-shelf quality plus top-shelf service.

He has a diverse group of clients that range from Fortune 500 companies to individual entrepreneurs, including:

- Massage and Spa Service Providers
- Banks
- Restaurants
- Moving companies
- Medical practices
- Software Companies
- Traffic Safety Companies
- International Real Estate Asset Management Companies
- Glassware Manufacturers
- Advertising Companies
- Family-owned Businesses

Brad also represents entities engaged in interstate transportation, including trucking companies, Class I freight railroads and passenger rail lines. While Brad practiced at Fennemore Craig, where he and Bill Thorpe comprised the railroad litigation team, the firm was nationally recognized in 2011-2012 as one of the preeminent practices in the United States when it was ranked as a "First Tier" national practice by *US News & Best Lawyers*, making it one of only 16 practices to receive this distinction in the entire country.

Prior to co-founding Thorpe Shwer, Brad was a Director at Fennemore Craig, one of the largest law firms in the Southwest. The Phoenix Business Journal named him to its 2011 "40 Under 40" list of Arizona

leaders and rising stars in the legal industry. Brad is AV® Preeminent™ Peer Review Rated (the highest rating available), by Martindale-Hubbell.

Brad is also active in the community, including serving as an adjunct law professor at Arizona State University College of Law, on the Board of Directors for the MVP Foundation, as a founding and current Board Member of the Phoenix Children's Hospital PCH50 Men's Council, and previously as the President of the Board of Directors for the American Liver Foundation.

Representative Cases

Serves as national tort defense counsel for massage and spa services provider with franchises in all 50 states.

Represents the largest manufacturer and marketer of glass tableware products in the Western Hemisphere in multiple states in product liability claims.

Represents large multi-state restaurant chain in all aspects of its business, including franchise litigation.

Represents one of Arizona's premier moving companies in litigation, employment matters, regulatory compliance, and collections.

Represents one of the largest privately owned traffic safety companies in the United States in variety of litigation, including tort defense, commercial litigation, and collections, as well as corporate issues and other matters.

Represents one of the largest international providers of healthcare IT and consulting solutions to hospitals and insurers in litigation and employment matters.

Deboles v. The National Railroad Passenger Corporation, dba, Amtrak, et al., 2014 U.S. Dist. LEXIS 42191 (D. Nev. 2014)

Obtained complete summary judgment in a Nevada District Court case brought by the injured plaintiff and his spouse arising out of a New Mexico accident, in which the plaintiff was struck by an Amtrak train. After summary judgment briefing related to the duty owed to trespassers, premises liability, and derivative claims, the United States District Court for the District of Nevada granted summary judgment on behalf of Amtrak and BNSF Railway Company, resulting in dismissal of all claims.

Wes. C. Davis v. BNSF Railway Company, No. 1 CA-CV 13-0083 (April 1, 2014)

Obtained complete summary judgment for BNSF Railway Company in a case arising out of a fatal grade crossing accident brought by the injured driver and the representatives of the deceased passenger. After extensive briefing related to, among other things, the federal preemption of plaintiffs' claims, the court granted summary judgment to BNSF, resulting in the dismissal of all claims against BNSF.

BNSF Railway Company v. Buttrick, No. 1 CA-SA 11-0227 (December 29, 2011)

Represents one of the nation's largest Class I freight railroads in tort litigation, including defense of Federal Employers Liability Act claims, grade crossing accidents, and other personal injury claims.

Represents numerous corporate entities in a variety of complex commercial litigation matters related to a variety of different industries, including telecommunications, transportation, moving and storage, professional services, real estate, and manufacturing.

Represented various national insurance companies in large-loss subrogation recovery for western 12 United States, including litigation, arbitration and mediation in at least 7 states.

Represented various national insurance companies in general insurance defense matters, including liquor liability, premises liability and product liability matters.

Represented numerous contractors, developers, and owners in variety of litigation, including contractual disputes, code compliance, and construction defect allegations.

Represented professional baseball team in player salary arbitrations under the Basic Agreement between Major League Baseball and the Major League Baseball Players Association.

Represented professional baseball team before the United States Supreme Court in opposing petition for Writ of Certiorari for litigation related to ticket sales and proceeds.

Represented sports marketing and advertising companies in issues related to business development and employment concerns.

Represented individual in immigration appeal to the Court of Appeals for the Ninth Circuit regarding deportation order.

Professional and Community Activities

- Member, State Bar of Arizona
- Member, Young Lawyers Division, Maricopa County Bar Association
- Member, National Association of Railroad Trial Counsel
- President, American Liver Foundation - Desert Southwest Division
- Member, Volunteer Lawyers Program
- Hoops 4 Hope
- Adjunct Professor, Arizona State University College of Law
- Member, Board of Directors, The MVP Foundation
- Commentator, Philosophy, Politics, and Law Conference, Northern Arizona University, April 2011
- Founding Board Member, Phoenix Children's Hospital – PCH50 Men's Council

Admissions

- Arizona, 2003
- U.S. District Court, District of Arizona, 2003
- U.S. Court of Appeals, Ninth Circuit, 2004
- U.S. Supreme Court, 2006

Education and Honors

- J.D., cum laude, Arizona State University, 2003
- B.S., cum laude, Northern Arizona University, 1999
- Recipient, Maricopa County Governor's Award for Student Volunteer of the Year, 2001
- Phoenix Business Journal: 40 Under 40 honoree, 2011
- *Benchmark*: Local Litigation Star, 2012-2015
- *U.S. News - Best Lawyers*® "Best Law Firms", First-Tier National Ranking, Railroad Law, 2010
- AV® Preeminent™ Peer Review Rated (the highest rating available), by Martindale-Hubbell

