



## Brian Cieniawski

Of Counsel

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Brian Cieniawski represents businesses and individuals in civil litigation matters. His practice focuses on the defense of motor vehicle liability, personal injury, premises liability and general liability cases.

Brian has assisted motor vehicle dealerships, trucking companies and truckers, other businesses and individual drivers in the successful defense of claims brought against them. With regard to premises liability cases, Brian has represented apartment complexes, condominium facilities, construction businesses and retailers concerning accidents on their property.

### Education

- University of Texas School of Law (J.D., *with honors*, 1990)
- University of Illinois (B.A., 1986)

### Professional Affiliations

- Maricopa County Bar Association

## Client Wins

### **Cieniawski, Pompeo, Merritt & Martinez Prevail on Inapplicability of Fictitious Defendant Practice to an Out of Time Party Addition**

Brian Cieniawski (Of Counsel-Phoenix, AZ), Celeena Pompeo (Partner-Orange County | Los Angeles, CA), and Phoenix, Arizona, associates Nicholas Merritt and Marcus Martinez defended a major transportation client regarding a tractor-trailer incident in Mohave County, Arizona, in which plaintiff alleged that multiple driver side wheels separated from a

### Services

- Transportation
- Complex Tort & General Casualty
- Insurance & Reinsurance Defense

trailer hauling freight. The plaintiff attempted to add our client as a defendant more than five months after the two year limitations period expired. Our defense focused on a straightforward statute of limitations bar under A.R.S. § 12-542 and the inapplicability of fictitious defendant practice to an out of time party addition; we also emphasized the absence of timely notice or any "mistake" in identity to satisfy Rule 15(c)'s relation back requirements, and the availability of public information that would have identified the trailer's owner earlier. The court granted our motion and dismissed all claims with prejudice.