



## KEVIN S. ROSEN

### GIBSON, DUNN & CRUTCHER LLP

333 South Grand Avenue

Los Angeles, CA 90071

(213) 229-7635

[krosen@gibsondunn.com](mailto:krosen@gibsondunn.com)

Kevin S. Rosen, a partner in the Los Angeles office of Gibson, Dunn & Crutcher, joined the firm in 1988 after a one-year clerkship with the Honorable William D. Keller, U.S. District Judge for the Central District of California. A member of the firm's Litigation Department, Mr. Rosen focuses on complex business, commercial, and class action litigation in state and federal trial and appellate courts, with an emphasis on legal malpractice defense, health care litigation, intellectual property litigation, securities litigation, real estate litigation, consumer fraud, unfair competition, and general business disputes. Mr. Rosen chairs the firm's Legal Malpractice Defense Practice Group and is a frequent speaker on matters related to the trial defense of claims against law firms. Mr. Rosen has successfully defended over 60 legal malpractice lawsuits with aggregate claims well over \$3 billion through trial, dismissal, summary judgment, and favorable settlement, including:

- ▶ Successfully defended a national law firm based in Los Angeles in seven week jury trial involving issues of estate planning, ERISA, real estate development, and tax. Aggregate claims exceeded \$20 million. Jury found plaintiff 87% comparatively negligent.
- ▶ Won dismissal of a \$250 million malpractice claim against a large Seattle-based law firm and two individual lawyers for alleged malpractice in connection with a series of technology license agreements.
- ▶ Obtained reversal on appeal upon being retained as appellate counsel of \$31 million malpractice and fraud judgment related to the Talent Agents Act, judgmental immunity, and a large number of other issues. *Blanks v. Seyfarth Shaw*, 171 Cal. App. 4<sup>th</sup> 336 (2009).
- ▶ Won summary judgment in a \$275 million lawsuit against a national law firm based in Los Angeles for alleged malpractice in connection with the development of a 5,500 student academy complex. The case involved issues related to real property acquisition, compliance with the California Environmental Quality Act, large construction project contracting and financing, environmental mitigation and remediation, and environmental insurance.

- ▶ Obtained dismissal of a \$300 million lawsuit against a Honolulu-based law firm for alleged malpractice in connection with the sale of 22,000 acres of land in Hawaii.
- ▶ Obtained dismissal of a derivative malpractice action against a large Chicago-based law firm related to the multi-million dollar merger of two hospital corporations, thereby establishing new law in California essentially precluding derivative claims for legal malpractice. See *McDermott, Will & Emery v. Superior Court*, 83 Cal. App. 4th 378 (2000).
- ▶ Obtained dismissal of \$200 million federal court action against a national law firm based in Los Angeles for alleged RICO violations, unfair business practices, and fraud. Obtained affirmance of dismissal by U. S. Ninth Circuit Court of Appeals.
- ▶ Obtained dismissal of a securities class action complaint against a national law firm based in the Midwest seeking \$78 million in damages arising out of municipal bond offerings across the United States for the construction of health care facilities. The defendant firm served as bond counsel. Obtained affirmance by the Ninth Circuit Court of Appeals.
- ▶ Obtained a walkaway settlement on the eve of trial on behalf of a New York-based law firm in connection with \$25 million claim for professional negligence, fraud, and breach of contract arising out of certain tax shelter and estate-planning activities.
- ▶ Obtained dismissal of multi-million dollar action against a national law firm based in Los Angeles asserting claims for malicious prosecution, abuse of process, and civil rights violations (Section 1983).
- ▶ Obtained dismissal of multi-million dollar lawsuit on behalf of a Seattle-based law firm related to the acquisition of a hospital. Pre-trial motions in limine were granted such that plaintiff's damages claims were eliminated.
- ▶ Won summary judgment in a multi-million dollar lawsuit against a large Chicago-based law firm for alleged malpractice in connection with various lender liability issues.
- ▶ Successfully represented numerous firms on issues arising out of lateral partner acquisitions and partner departures.
- ▶ Obtained dismissal of roughly a dozen malicious prosecution actions, including three such actions in 2009, on behalf of national law firms based in Washington, D.C. and Los Angeles.

Mr. Rosen graduated from the Columbia University School of Law in 1987 and was designated a Harlan Fiske Stone Scholar in each of his three years at Columbia. Before law school, Mr. Rosen was graduated *magna cum laude* with honors from Dartmouth College in 1984. While at Dartmouth, Mr. Rosen received the Ray W. Smith Award,

which is presented to the student who "has made a significant and distinctive contribution to the stature of the College."

Mr. Rosen has been selected by one prominent publication as one of California's "Super Lawyers" for each of the past six years. Mr. Rosen served as Chairman of the firm's National Hiring Committee from 1999 to 2006.