Kevin S. Rosen

Partner

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Los Angeles



Kevin S. Rosen is a senior partner in the Los Angeles office of Gibson, Dunn & Crutcher LLP. He repeatedly has been recognized as a “Star Individual” with a Band 1 ranking (one of only two in the country) by *Chambers USA.* He has also been recognized by *The Best Lawyers in America*® as a successful defense and trial lawyer, featured among *The Daily Journal’s* Top Professional Responsibility Lawyers in California, which highlights “the top performing attorneys in legal malpractice matters and ethics, and acknowledged by many other prominent, national publications as the “go to” lawyer for the defense of law firms, including being named a “Litigation Star” by *Benchmark Litigation*. Kevin has been described by his clients as “excellent at strategy, execution, and finesse,” the lawyer “who you call when you have a big problem,” and “simply the best lawyers’ lawyer in the country.”

Kevin’s national practice focuses on complex business, commercial, and class action litigation in state and federal trial and appellate courts and commercial arbitrations with an emphasis on law firm defense, health care, intellectual property, securities, real estate, and high-stakes business disputes. Kevin has successfully defended over 150 legal malpractice, breach of fiduciary duty, and related lawsuits against law firms with aggregate claims over $50 billion through trial and arbitration, dismissal, summary judgment and appeal, as well as multiple investigations of law firms by federal and state agencies. In addition, Kevin has successfully defended myriad discrimination and harassment claims against law firms, partner departure disputes, malicious prosecution actions, and disqualification motions.

Some of Kevin's recent achievements as lead trial counsel include:

- Successfully defended international law firm in seven-week jury trial involving $60 million claims arising out of estate planning, ERISA, real estate development, and tax issues.
- Won lengthy arbitration on behalf of international law firm, convincing the Tribunal to reject $60 million claim by bankruptcy trustee of former client that firm had a conflict of interest and negligently handled litigation involving joint venture in the financial services industry. Won affirmance on appeal. *Golden v. O'Melveny & Myers, LLP*, 2021 WL 3466044 (9th Cir. August 6, 2021)
- Won lengthy international arbitration on behalf of international law firm arising out of a pharmaceutical company acquisition where law firm allegedly failed to properly advise acquiror regarding a drug development agreement and allegedly mishandled resulting ICC arbitration. The Tribunal rejected all claims seeking roughly $600 million, awarded the law firm all of its outstanding fees pursuant to its counterclaim, and awarded all of Gibson Dunn’s fees.
- Won successive summary judgment motions in state court in Dallas on claims exceeding $100 million by bankruptcy liquidating trust against an international law firm arising from representation of health care company in connection with a

Capabilities

Law Firm Defense
Appellate and Constitutional Law
Class Actions
FDA and Health Care
Intellectual Property
Securities Litigation
Tax Controversy and Litigation

Credentials

Education

Columbia University - 1987 Juris Doctor
Dartmouth College - 1984 Bachelor of Arts

Admissions

California Bar

Clerkships

USDC, Central District of California, Hon. William D. Keller, 1987 - 1988

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recapitalization, various other transactions, and government investigations. Won affirmance on appeal. *Willow Tree Consulting Group, LLC v. Perkins Cole LLP*, 2024 WL 575263 (Tex. Court Appeals 2024).

- Won lengthy arbitration on behalf of medical device company against $120 million claim of fraud and breach of contract arising out of acquisition by another medical device company, convincing arbitration panel to reject all claims and to award all of Gibson Dunn's fees.
- Won lengthy arbitration on behalf of international law firm, convincing arbitration panel to reject a former client's $80 million claims for fraud, breach of fiduciary duty, and disgorgement and to award the law firm all of its unpaid legal fees.
- Won arbitration regarding $200 million claims for fraud, breach of fiduciary duty, and disgorgement and convinced panel to award Gibson Dunn's fees.
- Won dismissal with prejudice of $600 million claims in federal court in Atlanta against international law firm for negligence, fraud, aiding & abetting, and conspiracy arising out tax opinions issued in connection with syndicated conservation easement transactions. *Peskin v. Peachtree Investment Solutions, LLC*, *et. al.*, 2023 WL 7457555 (N.D. Ga. 2023).
- Obtained dismissal of RICO, securities fraud, breach of fiduciary duty and legal malpractice claims exceeding $400 million against international law firm arising out of manufacturing partnership.
- Successful resolution on behalf of global law firm of DOJ and U.S. Attorney investigation regarding Foreign Agent Registration Act (FARA) and related litigation under Alien Tort Claims Act.
- Won dismissal of a series of class action complaints against international law firm for alleged legal malpractice, breach of fiduciary duty, unfair competition, and other state law claims seeking more than $250 million. Plaintiffs' claims arose out of the firm's work on multi-state tenancy-in-common real estate investments and related transactions. Won affirmance on appeal.
- Won dismissal of an eight-count complaint against international law firm for federal securities fraud and myriad state law claims arising out of an alleged fraud perpetrated by the firm's former client. *Burns v. Stratos*, 581 F. Supp. 3d 687 (E.D. Pa. 2022), *aff'd* 2023 WL 4014474 (3rd Cir. 2023).
- Won summary judgment on behalf of international law firm against claims of $539 million by former client asserting that firm mishandled a dispute regarding the manufacture, distribution and sale of specialty wire products and otherwise breached its fiduciary duties.
- Won dismissal of various claims against international law firm seeking over $300 million in damages arising out of failed Cayman Islands investment fund focused on entertainment industry. *Molner v. Reed Smith LLP, 2024* WL 4048758 (Bankr. S.D.N.Y. 2024).
- Won dismissal of $136 million lawsuit by trustee for Cayman Islands hedge fund in New York against global law firm asserting claims of aiding and abetting fraud and breach of fiduciary duty arising out of a series of residential, mortgage-backed securities and collateral debt obligations. Won affirmance on appeal. *In re: ICP Strategic Credit Income Fund Ltd.* 730 Fed. Appx. 78 (2d Cir. 2018).
- Won reversal on appeal upon being retained as appellate counsel of $34 million malpractice and fraud judgment arising from a series of real estate transactions in Florida and Georgia. *Sabadia v. Holland & Knight,* 2018 WL 1581377 (Cal. Ct. App. 2018).
- Won dismissal of $75 million claims against international law firm arising out of trusts and estates work in Pennsylvania and California. Won affirmance on appeal.
- Won dismissal of $260 million class action lawsuit against international law firm by investors in real estate investment and development company based in Texas alleged to have been a Ponzi scheme.

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- Won dismissal on behalf of international law firm against claims of malpractice and breach of fiduciary duty in connection with firm's defense of a shareholder derivative action in Delaware.
- Won dismissal of a six-count complaint seeking over $200 million in damages against an international law firm for alleged legal malpractice, breach of fiduciary duty, and other claims arising out of an alternative energy development project in Hawaii.
- Won dismissal of a $250 million malpractice lawsuit against an international law firm for alleged malpractice in connection with a series of technology license agreements in Washington.
- Successfully persuaded Oregon Supreme Court to affirm validity of internal law firm privilege and to reject application of "fiduciary exception." *Crimson Trace Corp. v. Davis Wright Tremaine*, 355 Or. 476 (2014).
- Obtained reversal on appeal upon being retained as appellate counsel of $31 million malpractice and fraud judgment related to the Talent Agents Act. *Blanks v. Seyfarth Shaw*, 171 Cal. App. 4th 336 (2009).
- Won dismissal of $160 million claims by a bankruptcy trustee alleging that an international law firm aided its former client in committing securities and real estate fraud in connection with an alleged Ponzi scheme. Won affirmance on appeal.
- Won dismissal of $120 million claims by a bankruptcy trustee alleging that an international law firm aided its former client in committing securities and real estate fraud in connection with an alleged Ponzi scheme. Won affirmance on appeal.
- Won summary judgment in a $275 million lawsuit against international law firm 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.
- Won dismissal of a $300 million lawsuit against a Hawaii-based law firm for alleged malpractice in connection with the sale of 22,000 acres of land in Hawaii.
- Won dismissal of a derivative malpractice action against international law firm related to the merger of two hospital corporations, thereby established new law in California essentially precluding derivative claims for legal malpractice. *McDermott, Will & Emery v. Superior Court*, 83 Cal. App. 4th 378 (2000).
- Won dismissal of $200 million action against international law firm for alleged RICO violations, unfair business practices, and fraud. Won affirmance by U.S. Ninth Circuit Court of Appeals.
- Won dismissal of a securities class action against international law firm seeking $78 million in damages arising out of municipal bond offerings across the United States for the construction of health care facilities. Won affirmance by U.S. Ninth Circuit Court of Appeals.
- Obtained a walkaway settlement in 2023 on the eve of trial on behalf of international law firm in connection with $50 million claim for professional negligence and fraud arising out of tax shelter and estate-planning activities in New York.
- Won dismissal of multi-million dollar action against international law firm asserting claims for malicious prosecution, abuse of process, and civil rights violations.
- Won dismissal of $220 million lawsuit on behalf of international law firm related to the acquisition of a hospital on the eve of jury trial. Won motions in limine that eliminated plaintiff's damages claims.
- Won defense verdict in multi-million dollar stock option trial and obtained judgment on counter-claim for theft of trade secrets.
- Won denial of permanent injunction upon being retained post-trial in case against

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medical device manufacturer notwithstanding prior verdict of patent infringement where product generated annual revenue over $2 billion. *Advanced Cardiovascular Systems, Inc. v. Medtronic Vascular, Inc.,* 579 F.Supp. 2d 554 (D. Del. 2008).

- Won dismissal of a series of class action complaints arising out of multi-state tenancy-in-common investments and related transactions seeking $220 million and affirmance by California Court of Appeal. *Cabot Ashtabula 22, LLC v. Jones Lang LaSalle Americas, Inc.,* 2015 WL 5457843 (Cal. Ct. App. 2015).
- Won dismissal of trade secret and product liability lawsuit seeking over $100 million in damages in connection with various technology license agreements.
- Won dismissal of a securities class action arising out of a nationwide municipal bond offering for construction of health care facilities and affirmance by the U.S. Ninth Circuit Court of Appeals.
- Won dismissal for national healthcare company against $226 million lawsuit by competitor for alleged theft of trade secrets related to outpatient rehabilitation clinics.
- Won summary judgment in a $280 million lawsuit against an international law firm for alleged malpractice in connection with various lender liability issues. Won affirmance on appeal.
- Won summary judgment against claims by ISP asserting $45 million in statutory damages pursuant to California Business and Professions Code arising out of allegedly falsified email header information.
- Won summary judgment in favor of affiliate marketing networks against class action claims under Ohio Consumer Sales Practices Act based on alleged deceptive and unsolicited email messages.
- Successfully persuaded federal district court in Texas to deny motion for disqualification in patent case. *Maxwell Ltd. v. Apple, Inc.*, 2021 WL 1100098 (E.D. Tex. March 2, 2021).
- Successfully persuaded bankruptcy court and district court in New York to deny remand and absention in malpractice claim against Pennsylvania-based law firm arising from collapse of private equity fund. *In re: Aramid Entertainment Fund Limited*, 2022 WL 118293 (SDNY Jan. 12, 2022).

Kevin served as Chairman of Gibson Dunn's National Hiring Committee for nearly a decade, as well as in other prominent management roles at Gibson Dunn.

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