Kahn A. Scolnick

Partner

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Los Angeles



Kahn Scolnick is an appellate and litigation partner in the Los Angeles office of Gibson Dunn. He serves as Co-Partner in Charge of the Los Angeles and Century City offices, Co-Chair of the firm's Class Actions Practice Group, and is also an active member of the Appellate and Constitutional Law and Insurance and Reinsurance Practice Groups, among others. He specializes in class actions, complex commercial cases, and litigating a variety of constitutional issues — both in the trial courts and on appeal.

Kahn has extensive experience representing clients in high-stakes litigation at both the trial and appellate levels, with a particular focus on class actions, complex commercial disputes, and novel constitutional matters. He has handled cases involving billions of dollars in potential exposure and has represented clients in a wide range of industries, including insurance, financial services, gaming, real estate, transportation, and consumer-facing businesses. His practice spans all stages of litigation, from dispositive motions and class certification through trial and appeal, and includes significant experience before the Ninth Circuit Court of Appeals, the California Supreme Court, the California Courts of Appeal, and other state and federal trial and appellate courts across the country.

Kahn has published and spoken on a variety of topics, including class actions, trial practice, civil procedure, punitive damages, voting rights, and constitutional issues. He was recently "Recommended" by *The Legal 500* for his work in Insurance and has been recognized by *Best Lawyers in America*® for his work in Appellate. Kahn was also named to the Lawdragon 500 Leading Litigators in America guide for his work in Class Actions, Commercial Litigation, and Appellate. Kahn was also named a Southern California "Rising Star" eight times by *Los Angeles Magazine* and *Southern California Super Lawyers*.

He serves as the immediate past president of the Legal Aid Foundation of Los Angeles (LAFLA) and the Los Angeles Chapter of the Association of Business Trial Lawyers (ABTL); and he is also a member of the Chancery Club in Los Angeles.

Kahn is a member of the California Bar. He is admitted to practice before the United States Court of Appeals for the Ninth Circuit and the United States District Courts for the Northern, Southern, Eastern, and Central Districts of California.

Kahn graduated *magna cum laude* from the University of San Diego, School of Law. He was a lead articles editor for the San Diego Law Review and was awarded the Outstanding Student in Constitutional Law. Kahn received his Bachelor of Arts degree in Public Policy Studies, with honors, from Michigan State University.

Representative trial court experience:

- Obtained a bench trial win in a California trial court vacating the California Insurance Commissioner's record-setting $173 million penalty issued under the Unfair Insurance Practices Act (the largest such penalty ever issued to date).

Capabilities

Appellate and Constitutional Law
Antitrust and Competition
Class Actions
Consumer Products and Retail
Consumer Protection
Environmental
Insurance and Reinsurance
Litigation
Real Estate Disputes
Securities Litigation
Transnational Litigation
Trials

Credentials

Education

University of San Diego - 2003 Juris Doctor

Michigan State University - 2000 Bachelor of Arts

Admissions

California Bar

Clerkships

US Court of Appeals, 9th Circuit, Hon. Ferdinand F. Fernandez, 2005 - 2006

USDC, Southern District of California, Hon. Dana M. Sabraw, 2003 - 2005

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GIBSON DUNN

- Won a complete summary judgment victory for a major auto insurance company in California in a certified nationwide class action seeking nearly a billion dollars in damages and attempting to force the company to change its core business model.
- Defeated a proposed nationwide false advertising class action against a major Medicare Advantage insurer based on preemption.
- Defeated class certification in a novel “no poach” class action against a major sandwich restaurant chain.
- Obtained dismissal with prejudice of a discrimination class action suit against an auto insurance company in federal court in Washington.
- Was part of the trial team that successfully represented Chevron Corporation in a RICO case against those seeking to extort billions of dollars from the company based on a fraudulently procured multi-billion-dollar judgment in Ecuador.
- Defeated class certification in a discrimination case against an auto insurance company in California; the plaintiffs then voluntarily dismissed their individual claims with prejudice.
- Defended a city in a lengthy bench trial alleging a violation of the California Voting Rights Act and Equal Protection Clause.
- Won a complete defense verdict following a lengthy bench trial before the California Superior Court in two consolidated nationwide class actions against a commercial mortgage lender.
- Won judgment on the pleadings of the defendants’ sole affirmative defense (unclean hands) in a contentious corporate dispute in the Delaware Chancery Court.

Representative appellate experience:

- Obtained a unanimous decision from the California Supreme Court in favor of his client in a Medicare Part C preemption case.
- Secured a published decision from the California Court of Appeal striking down a $100 million rate increase and refund order by the California Insurance Commissioner.
- Won in the California Court of Appeal against an attempt to defeat an arbitration clause based on a novel reading of the California Health & Safety Code’s disclosure requirements.
- Prevailed in the California Court of Appeal in a high-profile, multi-jurisdictional dispute between a major law firm and its former partner.
- Achieved a complete victory in the Ninth Circuit on behalf of a national insurance company, securing affirmance of a dismissal with prejudice of a deceptive-marketing class action.
- Persuaded the California Court of Appeal to reverse a trial court judgment finding a city liable for violating the Equal Protection Clause, based on the city’s method of electing its council.
- Obtained reversal from the California Court of Appeal of the trial court’s grant of an anti-SLAPP motion against his client.
- Won a major victory in the California Court of Appeal in a CEQA (California Environmental Quality Act) case that will transform the way cargo moves through the Port of LA.
- Obtained a published decision from the California Court of Appeal affirming summary judgment in a “finder’s fee” dispute on behalf of a real estate investment company.
- Advised the inaugural California Citizens Redistricting Commission on a variety of legal issues including the Voting Rights Act and equal protection, and then

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successfully defended the Commission's maps against an assortment of constitutional and statutory claims before the California Supreme Court.

- Secured the reversals on appeal of judgments totaling $295 million in three certified class actions in New Mexico and California involving installment payment plans for auto insurance policies.
- Persuaded the California Court of Appeal to affirm summary judgment in a high-profile "taxpayer" action challenging the constitutionality of a California statute.

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