

Kevin S. Rosen



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Kevin S. Rosen, a senior partner in the Los Angeles office of Gibson, Dunn & Crutcher LLP, joined the firm in 1988 after a U.S. District Court clerkship. Mr. Rosen'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 general business disputes. Mr. Rosen chairs Gibson Dunn's Law Firm Defense Practice Group and is a frequent speaker and author on matters related to the defense of claims against law firms. Mr. Rosen has successfully defended over 100 legal malpractice, breach of fiduciary duty, and related lawsuits with aggregate claims well over \$25 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, Mr. Rosen has successfully defended myriad discrimination and harassment claims against law firms, partner departure disputes, malicious prosecution actions, and disqualification motions.

Some of Mr. Rosen's recent achievements as lead trial counsel include:

- Successfully defended international law firm in seven week jury trial involving \$30 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 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 lengthy arbitration on behalf of international law firm, convincing arbitration panel to reject a former client's multi-million dollar claims for fraud, breach of fiduciary duty, and disgorgement and to award that firm all of its unpaid legal fees.

- 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 in excess of \$50 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.
- 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 reversal on appeal upon being retained as appellate counsel of \$34 million malpractice and fraud judgment arising from a series real estate transactions in Florida and Georgia.
- Won dismissal of claims against international law firm arising out of trusts and estates work in Pennsylvania and California. Won affirmance on appeal.
- Won dismissal of \$60 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.
- 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 \$36 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 by U.S. Second Circuit Court of Appeals.
- Won dismissal of a six-count complaint 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 a U.S.-based 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 multi-million dollar 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 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 multi-million dollar lawsuit on behalf of international law firm related to the acquisition of a hospital. Won motions in limine that eliminated plaintiff's damages claims on the eve of trial.

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- Won summary judgment in a multi-million dollar lawsuit against an international law firm for alleged malpractice in connection with various lender liability issues.

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 graduated *magna cum laude* with honors from Dartmouth College in 1984.

Mr. Rosen has been recognized in The Best Lawyers in America® and by many other prominent publications as a leading defense lawyer and the “go to” lawyer for law firms. He also has been recognized one of California's “Super Lawyers” for each of the past fourteen years. Mr. Rosen served as Chairman of Gibson Dunn's National Hiring Committee from 1999 to 2006.