



## JASON H. KIM

Partner

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Jason H. Kim is the head of the firm's Business Litigation and Competition practice group. Mr. Kim is an accomplished plaintiff-side litigator in a variety of fields, including antitrust, consumer class actions, civil rights, and ERISA. Highlights of his experience include:

### Antitrust

Represents three of the top ten health insurers in *In re Generics Pharmaceuticals Pricing Antitrust Litigation*, one of the largest-price fixing cases in U.S. history, and another top health insurer in similar litigation pending in state court;

Represented four of the top ten health insurers and other health insurers in settled antitrust litigation relating to several drugs, including Xyrem, Suboxone, and Glumetza. The Suboxone matter settled for \$85 million on behalf of four health plans after the health plans prevailed on a jury trial on the defendant's statute of limitations defense;

Represents the Commonwealth of Puerto Rico in *In re Pork Antitrust Litigation*; and

Represented an online travel agency in settled antitrust litigation against the nation's largest hotel companies;

### Consumer Class Actions

Obtained class settlement in *Knapp v. Art.com*, a class action alleging Art.com advertised perpetual sales on its website in violation of California law;

Obtained class settlement in *Dashnaw v. New Balance Athletics, Inc.*, a class action alleging New Balance falsely marketed certain of its athletic shoes as "Made in USA" in violation of California law; and

Obtained class jury verdict in *Banks v. R.C. Bigelow, Inc.*, a class action alleging Bigelow falsely marketed certain of its teas as "100% Manufactured in USA" in violation of California law.

### Civil Rights / Disability Rights / IDEA

Established that the State of Hawaii violated the Americans With Disabilities Act and the Rehabilitation Act by excluding individuals with disabilities from a state-funded healthcare program and that such exclusion was intentional, allowing recovery of compensatory damages in *Lovell v. Chandler*, 303 F.3d 1039 (9th Cir. 2002);

Obtained class settlement in *McMillion v. State of Hawaii*, a class action alleging that Hawaii's public housing authority was in violation of the Americans With Disabilities Act with respect to access at the largest public housing complex in the state;

Prevailed in three appeals establishing that the states of Hawaii, Rhode Island, and Connecticut had violated the Individuals With Disabilities in Education Act by prematurely terminating students' entitlement to special education in *E.R.K. v. State of Hawaii Department of Education*, 728 F.3d 982 (9th Cir. 2013), *K.L. v. Rhode Island Board of Education*, 907 F.3d 639 (1st Cir. 2018), and *A.R. v. Connecticut State Board of Education*, 5 F.4th 155 (2d Cir. 2021); and

Obtained judgments and settlements against the states of Minnesota and Montana on this same issue.

## ERISA

Obtained \$75 million class settlement in *In re J.P. Morgan Stable Value Fund ERISA Litigation*, a class action alleging J.P. Morgan had mismanaged its stable value funds, which were offered as an investment option in the 401(k) plans of hundreds of large employers. This was the largest non-church plan ERISA settlement in 2019; and

Obtained \$30 million class settlement in *Jacobs v. Verizon Communications, Inc.*, a class action alleging Verizon had included an improper investment in its 401(k) retirement plan.

## Practice Focus

- Class Actions

## Education

- Harvard Law School, J.D.
  - Graduated *magna cum laude*
- Harvard College, B.A.
  - Phi Beta Kappa

## Admitted to Practice

- California
- Hawaii