

Partner, Los Angeles

Complex Litigation and Trials; Antitrust/Competition; Sports



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Education

J.D., Columbia University School of Law, 1993 (Harlan Fiske Stone Scholar, *Columbia Business Law Review*)

A.B., Occidental College, 1990
(*magna cum laude*, Phi Beta Kappa)

Bar Admissions

California
District of Columbia
New York

Experience

Law Clerk, Hon. Frank X. Altamari,
U.S. Court of Appeals for the
Second Circuit (1993-1994)

Publications

"Red Flags: The Ninth Circuit Targets
Excessive Attorney Fees in Class
Action Settlements," *Corporate
Disputes Magazine*, July-September
2022

"California Bill Would Prohibit
Settlement Agreements Keeping
Certain Information Secret," *Skadden,
Arps, Slate, Meagher & Flom LLP*, May
18, 2022

"Data Scraping in a Post-hiQ World,"
Bloomberg Law, May 17, 2022

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Jason Russell is head of Skadden's Los Angeles office, representing a wide variety of clients in commercial litigation disputes in federal and state courts throughout the country as well as in international forums. Mr. Russell has earned a reputation as an adept litigator with particular experience litigating some of the most high-profile cases in the sports and entertainment field, as well as complex class actions.

Mr. Russell has extensive experience in and takes an innovative approach to all aspects of complex litigation matters, ranging from jury trials and appellate arguments to mediation and arbitration. Among other accolades, the *Los Angeles Business Journal* has named him to the LA500, recognizing the most influential people in Los Angeles, every year since 2020, and as a Top Litigator and Trial Lawyer in Los Angeles in 2021 and 2019. In 2022, he was named one of Lawdragon's 500 Leading Litigators in America. Mr. Russell has been named as a leading lawyer by *Chambers USA* and recognized as a 2021 Legal Visionary by *Los Angeles and Orange County Business of Law* magazine. In addition, he was named a Top Antitrust Lawyer in 2021 and one of the Top 20 Under 40 lawyers in the state of California by the *Daily Journal*, and was a recipient of the prestigious California Lawyer Attorneys of the Year (CLAY) award bestowed by the *California Lawyer* for "extraordinary achievements" in litigation. He repeatedly has been named as one of *Who's Who Legal's* Top Sports and Entertainment Lawyers, has been named as a Rising Star by Lawdragon and included in *The Best Lawyers in America*.

Mr. Russell's representations include a diverse number of high-profile disputes, including, among others:

- Credit Acceptance Corporation in obtaining summary judgment in the U.S. District Court for the Central District of California on antitrust claims by Westlake Services, LLC seeking approximately \$1 billion in damages arising from the allegedly fraudulent acquisition of a patent that Westlake claimed precluded it from competing in the indirect auto lending market. The *Daily Journal* named the decision one of the Top Verdicts of 2017.
- Boardriders, Inc., Oaktree Capital Group, LLC and Brookfield Asset Management Inc. in obtaining complete dismissal of trademark, antitrust and unfair competition claims seeking \$1 billion in damages, all profits since 2016 and injunctive relief.
- Christie's, Inc., as lead counsel, in obtaining the dismissal of a putative nationwide class action in the U.S. District Court for the Central District of California, by convincing the court to hold that the California Resale Royalties Act (CRRRA) was unconstitutional. The CRRRA previously had withstood several legal challenges until it was struck down in this case. The dismissal was affirmed by an *en banc* panel of the Ninth Circuit.
- Priceline.com in obtaining the 2017 reversal in the Fifth Circuit of an \$84 million judgment for occupancy taxes allegedly owed for facilitating the renting of hotel rooms in 175 Texas municipalities. The court reversed and vacated the judgment, adopting all of Priceline's arguments that an online travel company could not be liable for hotel occupancy taxes.
- The National Basketball Association in connection with its imposition of discipline against former owner Donald Sterling and in defending the NBA against claims brought by Mr. Sterling.
- MGA Entertainment, Inc., as a member of the trial and appellate team, in its highly publicized multibillion-dollar "battle of the dolls" trial against Mattel, Inc. over the rights to the "Bratz" doll franchise. The *Daily Journal* called the case one of California's "hardest-fought and highest-stakes intellectual property trials in recent memory." The Ninth Circuit's decision to vacate a jury verdict in Mattel's favor was named one of the Top Five Appellate Reversals of 2010 in California by the *Daily Journal*. On retrial, the jury rejected all of Mattel's claims and awarded MGA \$85 million in damages for theft of its own trade

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- secrets, to which the judge added \$85 million in punitive damages. The District Court also granted MGA one of the largest attorneys' fees awards ever awarded under the Copyright Act.
 - Red Bull North America and its corporate parent in the defense of multiple putative class actions across the country and in responding to congressional investigations into the energy drink industry.
 - Estée Lauder, as lead counsel, in obtaining the dismissal of a series of national and California class actions relating to the marketing and packaging statements on cosmetics products that alleged violations of California consumer protection and unfair practices laws.
 - Twenty-First Century Fox, Inc. as lead counsel in defense of \$360 million in claims by the litigation trustee for Core Media, Inc.
 - Head USA, Inc. in its successful defense of claims by Bode Miller and Bomber, LLC seeking to invalidate Head's sponsorship agreements with high-profile athletes. The court granted Head's motion to dismiss all of plaintiffs' claims.
 - MGA Entertainment, Inc., as lead trial and appellate counsel replacing MGA's initial counsel, in defense of a copyright claim in the U.S. District Court for the Southern District of New York relating to the Bratz doll franchise, in which an artist claimed damages in excess of \$100 million. He obtained summary judgment for the client, which was affirmed by the Second Circuit Court of Appeals.
 - The underwriters of more than \$15 billion of WorldCom, Inc. debt securities in more than 100 individual and class shareholder actions throughout the United States, in what was then the largest securities case ever filed. A precedent-setting victory was obtained in the U.S. Court of Appeals for the Second Circuit on behalf of the underwriting syndicate on an issue of first impression at the intersection of bankruptcy and securities laws.
 - The National Football League in its defense of a \$1 billion civil action brought by the Oakland Raiders, which resulted in a defense verdict for the NFL on all claims.
 - Home Box Office in successful defense of a bet-the-company challenge to on-location filming of HBO's flagship original series "Entourage." Skadden defeated motions for a temporary restraining order and preliminary injunction before obtaining the dismissal of the claims on the merits.
 - True Religion Apparel, as lead counsel, in defense of a putative nationwide class action challenging the labeling and advertising of the client's apparel. Mr. Russell negotiated a very favorable resolution of the action.
 - BPL Films in successfully prosecuting claims under the Copyright Act to prevent the illegal sale and distribution of the movie titled "The Debtors," in an action that *Premiere* magazine called "one of the wildest legal battles in Hollywood history."
 - The Stanley Works, as lead trial counsel, in its successful defense at trial of claims brought by a commercial supplier in a multimillion-dollar action.
- Mr. Russell serves as a member of Skadden's Policy Committee, the firm's governing body, and is actively involved in Skadden's *pro bono* efforts, supervising junior associates.
- Publications, cont.**
- "9th Circuit Calls Into Question Viability of Future Nationwide Class of Indirect Purchasers," *Daily Journal*, November 17, 2021
 - "Coca-Cola Plaintiffs' Decert. Highlights Class Claim Problems," *Law360*, November 5, 2021
 - "9th Circ. Ruling Signals Scrutiny of Class Settlement Fees," *Law360*, September 15, 2021
 - "Prop 22 Ruling Adds Uncertainty to Sizeable Industry," *Daily Journal*, August 31, 2021
 - "Prop 22: App-Based Drivers Are Classified As Contractors," *Daily Journal*, January 6, 2021
 - "9th Circ. Raises Bar For Claims Over Nondefective Products," *Law360*, January 5, 2021
 - "Parties to an Arbitration Agreement May Waive Hague Convention Compliance in 'Narrow' Decision," *Daily Journal*, April 30, 2020
 - "Anti-SLAPP: The Catchall That Caught Too Much," *Daily Journal*, September 24, 2019
 - "Drafting Successful Anti-SLAPP Motions In California," *Law360*, September 23, 2019
 - "What About Standing When a Hack is Only Theoretical," *Daily Journal*, January 23, 2019
 - "Show Us the Money: Wisconsin Mandates Third-Party Litigation Finance Disclosure," *Daily Journal*, April 16, 2018
 - "Beyond the Form: Using Jury Instructions to Your Advantage," *Daily Journal*, February 21, 2018
 - "Food Labeling Cases May Finally Proceed," *Daily Journal*, July 31, 2017
 - "Exhausted: Courts Reject Restraints on Alienation of IP," *Law360*, July 21, 2017
 - "Third-Party Litigation Financing: Mandatory Disclosure on the Horizon?" *Skadden, Arps, Slate, Meagher & Flom LLP*, April 19, 2017
 - "The International Comparative Legal Guide to: Litigation & Dispute Resolution (USA - California)," *Global Legal Group Ltd.*, 2017
 - "Litigation, Civility, and How Nice Guys Can Finish First," *Los Angeles Lawyer*, April 2016
 - Contributor, "The Class Action Chronicle," *Skadden, Arps, Slate, Meagher & Flom LLP*, 2013-present
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Jason D. Russell

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Associations

Fellow, American Bar Foundation

Board Member, Public Counsel

Los Angeles County Bar Association, Antitrust and Trade Regulation
Section

Association of Business Trial Lawyers, Los Angeles

American Bar Association

Board Member, Planned Parenthood Los Angeles