



## Carl S. Kravitz

### Partner

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### Practice Focus

- Business Litigation
- Business Litigation - Antitrust
- Business Litigation - Insurance
- False Claims Act
- Legal Profession and Ethics
- Plaintiffs and Class Actions
- Securities and Commodities Litigation
- White Collar Defense

### Education

- Columbia Law School, J.D., 1980
  - Harlan Fiske Stone Scholar
- Harvard University, A.B., 1977

Carl S. Kravitz has been practicing law in Washington, DC for over 40 years, earning recognition as a “Leading Lawyer” for business litigation, as a “Local Litigation Star,” and as one of *The Best Lawyers in America* in commercial litigation and securities litigation. His reputation is stellar among his clients, with one recently sharing with *Chambers USA* that Carl’s “word is golden.”

Carl litigates complex civil cases for both plaintiffs and defendants at the trial and appellate levels in state and federal courts across the country. He has obtained many significant recoveries for plaintiffs in individual, group, and class actions, with settlements up to nearly \$400 million.

Carl defends companies and executives in significant investigations and litigation. His cases often deal with high-profile issues, such as matters relating to the financial services industry, fraud, health insurance, worker safety, and sports head injuries, to name a few.

Carl has led the defense of several significant matters, including the defense of certain London Market Insurers in insurance coverage litigation concerning lead paint liabilities. He obtained summary judgment for his clients in *Certain Underwriters at Lloyd’s of London v. ConAgra Grocery Products Co.* in 2020, involving ConAgra’s liability in *People v. Atlantic Richfield Co.* He

successfully defended an appeal from the denial of summary judgment in a subrogation action, in *Millennium Holdings LLC v. Certain Underwriters at Lloyd's, London* in 2020, and is now proceeding to trial.

Carl has also led the defense of corporate executives in civil, regulatory, and criminal securities fraud investigations and litigation.

In the securities arena, he has obtained dismissals for a former Collins & Aikman executive of an indictment pending for more than a year in the Southern District of New York and in a securities fraud class action pending in the Eastern District of Michigan. He represented a former hedge fund analyst in a highly publicized insider-trading investigation in the Southern District of New York. He also obtained dismissals for his client in the Homestore.com and PurchasePro securities litigation cases pending in the Central District of California and the District of Nevada. He is currently defending a former Freddie Mac executive in an action pending in the Northern District of Ohio where class certification has been denied, summary judgment has been entered for his client and other defendants, and the putative class representation has noted an appeal to the Sixth Circuit.

In addition to his nearly 40 years of work in the securities area, Carl has represented clients in a number of white collar criminal investigations, including false claims, antitrust violations, and tax fraud.

Carl is currently representing over 1700 sexual abuse victims/survivors in the Boy Scouts of America bankruptcy pending in the District of Delaware. He is also representing a class of subscribers in a major antitrust class action against health insurers alleging that the defendant insurers agreed to illegal geographic restrictions and that restraints have caused antitrust injuries. He has served as co-chairman of the experts committee in that multidistrict litigation.

Carl is also representing a class of ERISA plans in a foreign currency trading case against a major bank that settled for a total of \$300 million, with \$60 million allocated to the ERISA plans. Post settlement issues are still pending.

Carl recently led a team of firm lawyers representing nine sexually abused children in an action against the Mormon Church, certain Church officers, and alleged co-conspirators. After obtaining a favorable ruling from the West Virginia Supreme Court clearing the way for the children to proceed to trial with all of their evidence and all of their legal theories, the case settled on a confidential basis in 2018 more than two

months into trial.

Carl has obtained notable victories for plaintiffs in fraud and deceptive trade practice class actions against insurance companies (settlements of \$72.5 million and in excess of \$40 million), in a securities fraud class action against a major financial services company (settlement of nearly \$400 million), in a breach of contract action against a major industrial company (settlement of \$16.2 million), in a wrongful death bad faith insurance action against a coal mine and its insurer (settlements in excess of \$13 million), in shareholder derivative litigation on behalf of national banks (settlements of \$10 million and \$9 million), and confidential settlements in actions on behalf of individuals wrongly convicted of serious crimes based on evidence fabricated by a state crime lab and in product liability action against car company for defective doors.

Carl obtained a precedent-setting result on behalf of the Estate of Mike Webster (the former All-Pro center for the Pittsburgh Steelers) against the NFL Pension Fund for concussion related disabilities incurred during Mr. Webster's NFL career.

Carl served as chairman of the firm's litigation department for over a decade. He is an adjunct professor at George Washington University Law School and has been a frequent faculty member at the National Institute for Trial Advocacy (NITA) and other trial practice programs, including programs at Georgetown University, the University of North Carolina and UCLA law schools.

## **Experience**

- Served as class counsel in a suit against a health insurer and its agent for fraudulently selling limited benefit health insurance policies bundled with memberships in a physician and hospital discount network as being as good or better than major medical coverage; the policies left consumers exposed to large bills or no treatment. The case settled in 2012 for more than \$40 million in value to the class, plus significant governance changes designed to prevent a recurrence of the allegedly fraudulent sales practices.
- Represented a class of people who settled personal injury cases with The Hartford Financial Services Group, Inc., where some or all of the settlement was paid with a structured settlement. The suit alleged that The Hartford had secretly skimmed 15 percent of the settlement values for itself by purchasing the structured settlement annuity from its own life insurance subsidiary. The case, which also alleged claims under RICO (predicate acts wire and mail fraud) and for common law fraud, unjust enrichment, and breach of

contract, settled in 2010 for \$72.5 million.

- Represented the lead plaintiff in a securities fraud class action, arising out of the financial crisis and Merrill Lynch's merger with Bank of America. The case settled for approximately \$400 million in 2010 after defeating the motion to dismiss.
- Represented two individuals who were wrongly convicted and sentenced to life imprisonment because of a fraud in the West Virginia State Police Crime Lab where blood and semen evidence was fabricated and misrepresented to the jury in their trials. After both men were released from prison, we brought civil rights actions against the state and against the state's insurer and outside counsel for covering up the fraud and prolonging the plaintiffs' incarcerations. The actions against the state each settled for approximately \$2 million. The actions against the insurer and lawyer were settled on confidential terms.
- Prosecuted shareholder derivative actions on behalf of national banks, involving breaches of fiduciary duty by senior executives and board members, and inadequate corporate governance and internal controls. In *Tallman v. City Holding Co., et al.*, Circuit Court of Kanahwa County, WVA, C.A. No. 01-C-4090, for example, the firm prosecuted a shareholder derivative action on behalf of a national bank against its officers and directors for breaches of fiduciary duty related to the bank's subprime lending. The bank's officers and directors had expanded into subprime lending outside its territorial knowledge base without adequate experience or internal controls, resulting in substantial losses to the bank. The case settled in for \$9 million.
- In *Fleagane v. Belmont Bancorp., et al.*, Circuit Court of Ohio County, WVA, C.A. No. 99-C-476), the firm prosecuted another shareholder derivative suit on behalf of a national bank against its officers and directors for breaches of fiduciary duty related to bank's lending to a mobile home dealer that resulted in substantial losses to the bank. The case settled for approximately \$10 million.
- Represented a group of asbestos victims of the Celotex Corporation in an action against Celotex's parent and the leveraged buyout (LBO) firm that bought the parent for approximately \$2.5 billion (financed by junk bonds). The suit sought to set aside the LBO as a fraudulent conveyance on the theory that Celotex's asbestos liabilities made the parent insolvent at the time the parent transferred its assets to the LBO firm's entities. After a trial in U.S. Bankruptcy Court for the Middle District of Florida, the matter settled for nearly \$400 million.
- Represented a group of union officials who were retaliated against with respect to their pensions when they were defeated by their political rivals in the union. Mr. Kravitz's

clients' pensions were restored.

- Defended a former executive of AOL-Time Warner in a criminal investigation and SEC enforcement action. We also defended our client in a series of federal securities class actions brought on behalf of the shareholders AOL-Time Warner and the shareholders of two AOL-Time Warner business partners (alleging fraud in connection with the accounting for online advertising revenues. The class actions were either dismissed or otherwise resolved successfully as to our client.
- Represented a national law firm in a case alleging \$100 million of damages in connection with advice given under the Investment Company Act of 1940. Secured a victory for our client on summary judgment, and that decision was affirmed on appeal by the Maryland intermediate court of appeals, and the Maryland Court of Appeal refused to review the matter.
- Defended Certain Underwriters at Lloyds of London and other London Market Insurers in coverage matters involving diethylstilbestrol (DES), asbestos, environmental clean-up, and most recently lead paint claims. Our attorneys have appeared in numerous coverage cases on behalf of these clients in state and federal courts around the country. Many of the cases have involved claims for billions of dollars of insurance coverage.
- Represented certain Lloyd's of London Underwriters and London Market Insurers in a suit against Dow Corning to recover insurance payments made in a 1995 insurance settlement of the company's liabilities for breast implants. At the time of the insurance settlement, it was predicted that these liabilities would total \$5 billion, but Dow Corning's total loss turned out to be materially less and its insurers were entitled to a refund of insurance payments made under the settlement. The case settled on confidential terms in 2011.
- Represented a space insurance broker in a dispute between the insured, INTELSAT, for which it had placed launch insurance for a telecommunications satellite, and its insured. INTELSAT sought nearly \$100 million coverage when the launch vehicle for one of its telecommunications satellites failed and the satellite did not reach geosynchronous orbit. After years of hard fought litigation, Mr. Kravitz obtained a summary judgment in favor of his client on the eve of trial.
- Represented a major television network in litigation filed in the U.S. District Court for the Central District of California against the manufacturer of the telecommunications satellite that beamed its programming across North America. The suit alleged that the \$120 million satellite was defectively designed and would remain on station in geosynchronous orbit for substantially less than its minimum 10-year life. Mr. Kravitz defeated the defendant's motion for summary judgment and the case then settled on a confidential basis

before trial.

- Represented a group of 65 students and teachers who suffered personal injuries from the exposure to chlorinated hydrocarbons and other dangerous pesticides that were misapplied in their middle school outside of Charleston, WV. Mr. Kravitz obtained a series of confidential settlements against a long list of defendants, any of which manufactured the defective products, and produced a substantial recovery for his clients.
- Represented a major developer in a dispute with his partner concerning the development of the Friendship Heights section of Bethesda, MD. The case involved complex zoning questions and years of business dealings. He obtained a verdict for his client after a four-week trial in federal court in Baltimore.
- Represented a developer of a planned unit development in Loudoun County, VA in a dispute concerning a California entity's attempted purchase of the property. Mr. Kravitz prevailed at trial for his client and then the case settled after extensive appellate proceedings (including two appeals to the Virginia Supreme Court).
- Represented the widow of gas company employee, who was killed when a leaking natural gas pipeline he had been sent to repair exploded, in a wrongful death case against the company and a contractor that had worked on the pipe in the past. We also represented the widow in a follow-on third-party bad faith action under West Virginia's Unfair Claims Settlement Practices Act against the insurance company that had provided the defense in the wrongful death action. Both cases were fiercely contested and litigated for several years before confidential settlements were reached.
- Represented a guest passenger who was paralyzed in a car accident in a bad faith action against the driver's insurance company. The insurance company refused to defend its insured, a Green Beret, when it learned that he had a substantial loss during the binder period. Mr. Kravitz obtained a \$12 million summary judgment on the merits in favor of his client and then secured a confidential settlement during the subsequent trial on punitive damages.
- Represented the family of an individual whose death in an industrial truck accident was caused by defective doors on the Ford truck he was driving. The product liability and crashworthiness case was settled on confidential terms on the eve of trial. The firm developed significant evidence that was used by lawyers in multiple other cases where serious injury or death was caused by defective doors on Ford vehicles.
- Represented the widow and children of a coal preparation plant employee who was electrocuted using an impact wrench attached to an improperly wired extension cord. The negligence and unsafe workplace suit was settled during trial, after the mine's chief engineer admitted under cross

examination by Mr. Kravitz that his company had failed to provide the victim a reasonably safe place to work.

- Represented a highly sophisticated investor in an NASD arbitration against a major financial services company involving churning and other frauds in connection with equity options trading. After two days of trial before the arbitrator the matter settled for a confidential amount.
- Represented a bank and charitable organization in trials in U.S. Tax Court.

## **Bar Admissions**

- District of Columbia
- Massachusetts
- New York
- West Virginia

## **Court admissions**

- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, District of Columbia
- U.S. District Court, District of Massachusetts
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Eastern District of New York
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Southern District of New York

## **Clerkships**

- U.S. Court of Appeals, Ninth Circuit
  - Hon. Stephen Reinhardt

## **Professional Leadership**

- Faculty, National Institute for Trial Advocacy (NITA)

## **Community Involvement**

- Emeritus Board of Directors, DC SCORES

- Team Leader, Voter Protection Program, Lawyers Committee for Civil Rights Under Law

## **Recognitions**

- The Best Lawyers in America®: Commercial Litigation, Litigation - Securities, Mass Tort Litigation / Class Actions - Plaintiffs
- Chambers USA: America's Leading Lawyers for Business, Litigation: General Commercial (Washington, DC)
- Benchmark Litigation, Local Litigation Star (Washington, DC)
- Super Lawyers (Washington, DC)
- The National Law Journal, Litigation Trailblazer, 2022
- The National Law Journal, Insurance Law Trailblazer, 2021
- Legal Times, Leading Lawyers: Top Business Litigation Attorneys, 2007