

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

U.S. Supreme Court

Experience

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

Jason Russell represents 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.

In recognition of his work, Mr. Russell has received accolades from several leading industry publications and rankings, including:

- the *Los Angeles Business Journal* as part of its LA500, recognizing the most influential people in Los Angeles, every year since 2020, and as a Top Litigator and Trial Lawyer in Los Angeles
- *Benchmark Litigation* as a Litigation Star
- *Thomson Reuters* as a Stand-Out Lawyer (2023-25)
- *Lawdragon* as one of its 500 Leading Global Litigators, 500 Leading Litigators in America and 500 Leading Global Antitrust & Competition Lawyers, as well as previously as one of its Rising Stars
- *Chambers USA* and *The Best Lawyers in America* as a leading lawyer in litigation and sports law
- *Who's Who Legal* as one of its Top Sports & Gaming Lawyers
- *Los Angeles and Orange County Business of Law* magazine as a Legal Visionary
- the *Daily Journal* as one of its Top Antitrust Lawyers and Top 20 Under 40 lawyers in California
- the *California Lawyer* as a recipient of the prestigious California Lawyer Attorneys of the Year (CLAY) award bestowed for "extraordinary achievements" in litigation

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

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- 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 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

"California's Prop 22, Classifying Ride Sharing Drivers as Independent Contractors, Is Upheld But Questions Remain," *Reuters Legal*, August 22, 2024

"CIPA Trap and Trace/Pen Register Claims are Technologically and Legally Flawed," *Bloomberg Law*, July 10, 2024

"Arbitrator Ethics and the Panama Canal Case: The Eleventh Circuit Rejects an 'Evident Partiality' Challenge to an Arbitration Award," *JD Supra*, December 15, 2023

"DOJ Maintains Antitrust Focus With Latest Probe Into Live Nation, Ticketmaster," *Daily Journal*, December 7, 2023

Jason D. Russell

Continued

“Standing Issues Prevail in Wake of Calif. Competition Ruling,” *Law360*, August 11, 2023

“Congress Needs To Enact a Federal Anti-SLAPP Statute,” *Law360*, June 2, 2023

“Ensure Arbitration Provisions Leave the Nest in the Ninth Circuit,” *Daily Journal*, March 21, 2023

“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 Publication*, May 18, 2022

“Data Scraping in a Post-hiQ World,” *Bloomberg Law*, May 17, 2022

“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 Publication*, 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 Publication*, 2013-present

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