



Ryan Kirkpatrick

Partner

New York

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Overview

Ryan Kirkpatrick has a proven track record of successfully managing and directing a wide variety of multinational, complex legal matters. Ryan has obtained or negotiated billions of dollars in judgments, settlements, and transactions. Given his work on both the plaintiff and defense sides, Ryan possesses a deep understanding of and how to successfully leverage litigation (and the threat of it) to accomplish financial and business objectives while at the same time mitigating the financial and operational costs of litigation to a business.

Ryan has been interviewed and quoted by numerous media outlets, including the *Wall Street Journal*, *Bloomberg News*, *Vanity Fair*, the *Los Angeles Times*, ESPN, the *National Law Journal*, the *Associated Press*, KABC, and KTLA.

LANDMARK LITIGATION

Ryan focuses his work on large-scale complex class actions and professional negligence and fiduciary claims litigation.

Insurance Class Actions

Ryan has is at the forefront of litigation that actively protects life insurance policy holders in breach of contract litigation against some of the country's largest insurers. **He has secured over \$700 million in relief for plaintiffs in class actions against leading insurance companies** including PHL Variable Life Insurance Company, Genworth, Voya, Lincoln, ReliaStar, Security Life of Denver, American General, North American, and John Hancock Life Insurance Company. Ryan is currently representing policyholders in a new wave of cost of insurance ("COI") litigation arising from the Tax Cuts & Jobs Act of 2017.

Professional Negligence and Malpractice

Ryan served as lead counsel for John Fish, the Chairman and CEO of Suffolk Construction, in a case the Superior Court of Massachusetts against the law firm of Goulston & Storrs over allegations of legal malpractice, breach of fiduciary duty, and willful violations of Massachusetts General Laws Chapter 93A, arising out of a failed billion-dollar real estate development project in Boston's Back Bay. Ryan obtained a highly favorable settlement after prevailing on motions to compel discovery and obtaining critical liability evidence. [Read more.](#)

Ryan also served as counsel in a confidential legal malpractice matter that settled before a complaint was ever filed for an amount that was at the time one of the highest legal malpractice payouts in United States history.

Ryan is now serving as counsel to the Special Litigation Committee (SLC) for the Trust for Advised Portfolios in investigating professional negligence claims relating to the Infinity Q Diversified Alpha Fund.

BACKGROUND

Ryan rejoined Susman Godfrey in 2017 after spending four years as General Counsel and Senior Managing Director of McCourt Global, an alternative asset management firm. Ryan served as head of the New York office where he oversaw all legal affairs of the firm and its business verticals, including a \$1 billion commercial real estate development joint venture, MG Sports & Media (which owned the LA Marathon and the French football club Olympique de Marseille, and co-owned Global Champions Tour and Global Champions League), and MG Capital (owner of a private direct lender and registered investment adviser).

While serving as Director of Global Champions League, Ryan initiated an EU competition law action against Fédération Equestre Internationale (FEI), the international governing body for equestrian sports. After obtaining a landmark preliminary injunction that was upheld by the Brussels Court of Appeals—and has implications for all international sports federations—Ryan negotiated a highly favorable settlement with the FEI. This use of EU competition law to effect worldwide relief for a client was reminiscent of one of Ryan's first cases at Susman Godfrey, where he and Steve Susman guided start-up mainframe manufacturer Platform Solutions, Inc. to a \$200 million buy-out by IBM following years of contentious antitrust, patent infringement, and copyright infringement proceedings in both the Southern District of New York and the European Commission.

Ryan was first elected to the Susman Godfrey partnership in 2011. At the time, he was representing Frank McCourt and the Los Angeles Dodgers in connection with Mr. McCourt's highly-publicized divorce and the team's bankruptcy. This three-year representation culminated in a favorable settlement of the divorce, the sale of the Dodgers to Guggenheim Partners for \$2.15 billion—the highest amount ever paid for a professional sports franchise—and the formation of a \$1 billion joint venture with affiliates of

Guggenheim Partners. Shortly following the sale, Mr. McCourt asked Ryan to help lead McCourt Global.

Since returning to the firm, Ryan has remained active in sports-related legal matters. Most recently, he represented John Bowlen, then-minority owner of the Denver Broncos, in connection with the \$4.65 million sale of the Denver Broncos.

Notable Representations

Insurance Class Actions

- ***Fleisher v. Phoenix Life Insurance (S.D.N.Y.)*** Served as counsel to plaintiffs in a case that challenged Phoenix Life Insurance Company's and PHL Variable Insurance Company's decision to raise the cost of insurance ("COI") nationwide on life insurance policy owners. After winning class certification and defeating two motions for class decertification and a motion for summary judgment, the case settled the day of the final pretrial conference—less than two months before trial with terms that included: a \$48.5 million cash fund (\$34 million after fees and expenses), a COI freeze through 2020, and a covenant by Phoenix not to challenge the policies, worth \$9 billion in face value, when the policies mature on the grounds of lack of insurable interest or misrepresentations in the application. At the final approval hearing, the Court concluded: "I want to say publicly that I think this is an excellent settlement. I think this is a superb—this may be the best settlement pound for pound for the class that I've ever seen."
- ***Helen Hanks v. Voya Retirement Insurance and Annuity Company (S.D.N.Y.)*** Negotiated settlement worth \$118 million, before fees and expenses, including a cash fund of over \$92 million and an agreement by Voya not to impose a higher rate scale for 5 years, on behalf of a certified class of 46,000+ policyholders over allegations that Voya improperly raised cost-of-insurance charges. Over the course of litigation, Ryan's team secured class certification and defeated summary judgment. The Court recognized the quality of the work, stating: "I want to commend you all for the work done on the pretrial order and motions in limine . . . I'm very happy to have you as lawyers appearing before me."
- ***PHT Holdings I v. Security Life Insurance Company of Denver (D. Colorado)*** Secured a \$30 million settlement for a class of insurance policy holders in a case that challenged Security Life of Denver's decision to raise cost of insurance rates on Strategic Accumulator policyholders. Net award after fees and expenses to be determined.
- ***Leonard v. John Hancock (S.D.N.Y.)*** Secured a \$92.5 million cash settlement (before fees and expenses), plus an additional \$50 million in non-monetary benefits, for Performance UL policyholders that were subjected to a rate increase in 2017. The cash amount, by itself, represented 91.25% of the alleged overcharges as of the date of the

settlement, and the settlement was praised by the Court as an “outstanding result” for the class.

- **North American COI (S.D. Iowa)** Secured a settlement on the eve of trial for benefits totaling \$61.3 million, including \$59 million in monetary payments to class members (before fees and expenses), in an insurance breach of contract class action on behalf of a class of policy holders against North American Life and Health Insurance Company.
- **Brighton Trustees et al. v. Genworth Life and Annuity Insurance Company (E.D. Va.)** Secured \$25 million settlement between Genworth Life & Annuity Insurance Company and a class of more than 13,400 plaintiffs alleging that policyholders of the company's Gold and Gold II universal life insurance policies were subject to unlawful cost of insurance (COI) increases. This amount represented 163% of the alleged damages at the time of the settlement.
- **Advance Trust & Life Escrow Services, LTA v. ReliaStar Life Insurance Co. (D. Minn.)** After prevailing on motions for class certification and summary judgment, secured a \$47.7 million settlement, including a \$39 million cash fund (before fees and expenses), for a class of universal life insurance policyholders who alleged that ReliaStar failed to reduce COI rates to reflect mortality improvement.
- **LSIMC LLC v. American General Life Insurance Co.(C.D. Cal.)** Settled class action against American General for relief valued at \$55 million for a class of policy holders who alleged that American General was under-paying interest on their universal life policies.
- **James Kenney v. PHL Variable Insurance Company (S.D.N.Y.)** Secured \$43.5 million in settlement benefits, including a \$17.4 million cash fund (before fees and expenses), for a class of insurance policyholders who allege that PHL unlawfully raised insurance rates.

Professional Negligence and Malpractice

- **Fish v. Goulston & Storrs PC (Suffolk County Superior Court of Massachusetts)** Served as lead counsel to real estate developer John Fish in an action against Goulston & Storrs PC alleging legal malpractice, breach of fiduciary duty, and willful violations of Massachusetts General Laws Chapter 93A, arising out of a failed billion-dollar real estate development project in Boston's Back Bay. Obtained a highly favorable settlement after prevailing on motions to compel discovery and obtaining critical liability evidence.
- **Securities Professional Negligence Litigation.** Currently serving as counsel to the Special Litigation Committee (SLC) for the Trust for Advised Portfolios in investigating professional negligence claims relating to the Infinity Q Diversified Alpha Fund.

- **Litigation on Behalf of Visium Asset Management.** Serve as lead counsel for Visium Asset Management in a case alleging that brokers aided and abetted a breach of fiduciary duties.
 - **Confidential Legal Malpractice Litigation.** Confidentially represented a prominent California family in legal malpractice claims related to trust and estates and tax structuring.
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General Commercial Litigation

- ***McCourt v. McCourt*.** Represented Los Angeles Dodgers' owner, Frank McCourt and the Los Angeles Dodgers in divorce and bankruptcy proceeding that involved a dispute over ownership and control of the team. The case resulted in a favorable settlement of the divorce, sale of the Dodgers to Guggenheim Partners for \$2.15 billion—the highest amount paid for a professional sports franchise—and the formation of a new joint venture with Guggenheim Partners affiliates.
- ***PSI v. IBM (S.D.N.Y.)*.** Represented startup mainframe computer manufacturer Platform Solutions Inc. (PSI), in prosecuting multi-hundred-million-dollar antitrust claims against IBM and defending against patent infringement, copyright, and trade secrets claims brought by IBM. Ryan also coordinated PSI's prosecution of competition claims against IBM in the EU. The case settled on confidential terms. As part of the settlement, PSI was acquired by IBM.
- ***Masimo v. Tyco (C.D. Cal.)*** Obtained a \$45 million damages judgment on behalf of Masimo Corporation in an antitrust case against Tyco Healthcare involving pulse oximetry products. The judgment was upheld by the Ninth Circuit on appeal, with the client receiving a net recovery of approximately \$27 million.
- ***McGuire v. Dendreon Corp. (W.D. Wash.)*** Represented plaintiffs in a consolidated securities fraud class action cases filed in Seattle federal court. Plaintiffs alleged that defendants had made false and misleading statements about a new drug that the company planned to sell. The case was settled for \$16.5 million, with the class receiving approximately \$12 million.
- **Hedge Fund Litigation.** Successfully represented various hedge funds investing in “stranger-owned life insurance.” Obtained a complete defense victory for a hedge fund in a case in which an insurer sued to rescind a \$20 million life insurance policy for alleged fraud and lack of an insurable interest. Initiated a class action against an insurer relating to cost of insurance increases that resulted in a settlement valued at \$134 million.
- 500 Leading Litigators in America, *Lawdragon* ([2022](#), [2023](#))

*Honors &
Distinctions*

Clerkships

Honorable Ruggero J. Aldisert, United States Court of Appeals for the Third Circuit, 2005-2006

Education

UCLA School of Law (J.D., Order of the Coif, 2005)

Yale University (B.A., Political Science, , 2001)

Admissions

Bar Admissions

- New York
 - California
 - District of Columbia
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Court Admissions

- U.S. District Court for Central District of California
- U.S. District Court for the Northern District of California
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court for the Eastern District of Texas

Wins

Judge Approves \$25 Million Settlement to End Lawsuit Over Genworth's Cost of Insurance Increase

Court Approves \$16,500,000 Settlement in Securities Class Action Brought by Susman Godfrey Against Dendreon