



David H. Korn

PARTNER, LITIGATION

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David H. Korn focuses his practice on complex litigation, particularly in the areas of antitrust, securities and general commercial. Mr. Korn's clients have included American Express, the Blue Cross Blue Shield Association and various member plans, Credit Suisse, First Solar, GTT Communications, PG&E Corporation, Sabre, The Walt Disney Company and The Williams Companies.

Mr. Korn's notable representations include:

- Representing the Blue Cross Blue Shield Association ("BCBSA") and more than a dozen member plans in consolidated multidistrict antitrust class action litigation—one of the largest class actions in the country—brought by putative classes of healthcare providers and health insurance subscribers alleging that the Association and its members have used the Association's agreements to fix prices and limit competition. He also represents

BCBSA and various member plans in related opt-out litigation across the country brought by large self-funded subscribers and providers.

- Representing American Express (“Amex”) in class action litigation brought in New York federal court by classes of debit card and non-rewards credit card users in multiple states alleging that Amex’s anti-steering rules inflated prices paid for goods and services sold by merchants across the country.
- Representing Amex in a putative class action brought on behalf of more than 5,000 merchants in Rhode Island federal court challenging Amex’s anti-steering rules as anticompetitive. Mr. Korn also represents Amex in arbitrating more than 1,200 similar claims brought by merchants in separate JAMS and AAA arbitrations.
- Representing PG&E in connection with mass tort litigation related to the California wildfires between 2019 and 2021.
- Represented M6 Midstream, a leading independent midstream energy company, in a property and antitrust dispute concerning a series of proposed natural gas pipeline installations in Louisiana. Following favorable decisions in the trial court and on expedited appeal, the parties voluntarily dismissed their claims against each other with prejudice.
- Represented The Walt Disney Company and its subsidiary FSLA Holdings LLC as trial counsel in an action filed by Santos Laguna S.A. de C.V. in California state court, which alleged breach of contract and other claims arising out of Disney’s divestment of certain broadcasting assets in Mexico. Won the dismissal of multiple claims and secured summary adjudication and other pretrial rulings that reduced Santos’s claimed damages by 70%. The parties subsequently reached a settlement partway through a jury trial on the remaining claims.
- Represented The Williams Companies in securing a judgment totaling more than \$600 million—following wins at trial in the Delaware Court of Chancery and on appeal to the Delaware Supreme Court—in M&A litigation against Energy Transfer, LP related to a planned \$37.7 billion merger.
- Represented Amex in an antitrust lawsuit originally brought by the U.S. Department of Justice and 17 state attorneys general challenging certain provisions in Amex’s merchant agreements—one of the most significant government antitrust enforcement actions in history. Mr. Korn was a member of the team that secured a complete defense victory for Amex before the U.S. Supreme Court.
- Represented GTT Communications and certain of its officers and directors in a securities class action concerning GTT’s \$2.3 billion acquisition of Interoute Communications Holdings S.A. The parties reached a settlement in December 2020, which received final court approval in April 2021.
- Represented First Solar in a securities class action in Arizona federal court and related derivative actions alleging that First Solar and several of its officers and executives misrepresented the company’s financial state, concealed material facts regarding defective solar modules and committed accounting violations, all to inflate First Solar’s stock price.

- Represented Amex in a series of putative class actions and individual lawsuits brought by large supermarket and pharmacy chains alleging that Amex's "anti-steering" rules violated Sections 1 and 2 of the Sherman Act, which settled following Amex's victory in the Supreme Court.
- Represented Sabre, a leading travel technology company, in its successful appeal of a \$15 million jury verdict in antitrust litigation brought by U.S. Airways alleging that certain of Sabre's contract provisions restrained airfare competition. The Second Circuit vacated the jury verdict and remanded for further proceedings.
- Represented Avon before the Second Circuit in an appeal challenging the denial of class certification in a lawsuit alleging that Avon falsely marketed its Anew anti-aging skincare products.
- Represented Credit Suisse in numerous residential mortgage-backed securities (RMBS) actions filed across the country, including lawsuits filed by the National Credit Union Administration Board (NCUA) to recover alleged losses stemming from certain purchases of RMBS securities. Mr. Korn also represented Credit Suisse in separate actions brought by the Attorneys General of New York and New Jersey.
- Represented Credit Suisse in litigation brought by former Huntsman shareholders seeking hundreds of millions of dollars in alleged damages for alleged misrepresentations and common law fraud relating to the failed 2008 Huntsman/Hexion merger.

Mr. Korn has been named to *Benchmark Litigation's* "40 & Under List," which recognizes the "best and brightest litigators across the U.S. and Canada." He has also been recommended by *The Legal 500 US* for his work in media and entertainment, and included in *Lawdragon's* "500 Leading Litigators in America," "500 Leading Global Antitrust & Competition Lawyers" and "500 Leading Global Entertainment, Media & Sports Lawyers" lists.

Mr. Korn is from Jacksonville, Florida. He received an A.B. with honors from Princeton University in 2008, where he was a member of the Varsity Football Team. He received a J.D. *magna cum laude* from Harvard Law School in 2013, where he was an editor of the *Law Review*. After graduation, he served as a law clerk to Hon. Stanley Marcus of the U.S. Court of Appeals for the Eleventh Circuit.

Mr. Korn joined Cravath in 2014 and was elected a partner in 2020.

EDUCATION

- J.D., 2013, Harvard Law School
magna cum laude
- A.B., 2008, Princeton University

CLERKSHIPS

- Hon. Stanley Marcus, U.S. Court of Appeals for the Eleventh Circuit

ADMITTED IN

- New York

RANKINGS

Benchmark Litigation

- 40 & Under List (2024, 2023, 2022)

Best Lawyers in America

- Commercial Litigation (2025, 2024, 2023)

Lawdragon

- 500 Leading Litigators in America (2025, 2024, 2023)
- 500 X – The Next Generation (2024, 2023)
- 500 Leading Global Entertainment, Sports & Media Lawyers (2025)
- 500 Leading Global Antitrust & Competition Lawyers (2025)

The Legal 500 US

- Media and Entertainment (2024)