

LITIGATOR OF THE YEAR

WINNER

CRAIG PRIMIS

KIRKLAND & ELLIS

By ALM Staff




Photo by Diego M. Radzinski/ALM

**F**rom antitrust to high-stakes commercial cases, Kirkland's Craig Primis was battling in court for a range of clients on a range of issues in the last two years.

Among other matters, Craig led two trials in 2022 with billions at stake, won a precedent-

setting D.C. Circuit appeal, and led Boeing's defense of multiple class actions concerning Boeing's 737 MAX.

In a year when antitrust enforcement action is at a recent high, Primis led UnitedHealth's trial defense of its \$13 billion acquisition of



Change Healthcare, fending off an attempt by the DOJ to block the merger. In a September 2022 order, the court rejected all of DOJ's theories and allowed the merger to proceed. The decision was a blow to the administration's goal of more aggressive enforcement.

Primis also led a trial for Honeywell against the NARCO Asbestos Trust. In the world of asbestos bankruptcy trusts, Honeywell was a unique "evergreen" trust where the company paid out claims with no cap on total liability. Honeywell sued to seek changes to the administration of the trust, which the company argued was plagued from its creation. During the trial, the court agreed with Honeywell's suggestion that the best outcome was the company making a one-time payment in exchange for a release from future obligations.

In another win for Honeywell, Primis led a successful effort in a precedential False Claims Act case in the D.C. Circuit. In a case that lasted 14 years, Craig persuaded the court to adopt a dollar-for-dollar setoff of common damages among defendants in multi-defendant FCA cases, establishing new law for all FCA cases and eliminating Honeywell's exposure for statutory damages under the FCA.

Among other wins in the last two years, Primis led Boeing's defense of civil litigation stemming from the 737 MAX crashes, achieving dismissal of a class action brought by international airline pilots seeking lost wages, while leading the company's defense of a securities class action after narrowing the case substantially on a successful motion to dismiss.