



Gavin W. Skok

Partner

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Gavin is a seasoned litigator with a national practice emphasizing the defense of class actions, novel and complex commercial disputes, and technology and privacy litigation.

Co-Chair of the firm's Litigation Department, he has litigated cases in state and federal courts in the Northwest and across the country, as well as arbitration forums. His clients range from small businesses to *Fortune* 500 companies, particularly in technology, communications, manufacturing, insurance and beverage industries.

Class Actions

Gavin has a track record of success defending class action cases in a wide range of industries. He has beaten class certification repeatedly, won early dismissal of cases in their entirety, and convinced courts to strike class allegations. Gavin has also successfully enforced consumer arbitration agreements requiring individual arbitration, then arbitrated and won individual class members' claims. He has secured voluntary dismissals after winning favorable court rulings early in the litigation, and in other cases negotiated favorable settlements after persuading the court to narrow the scope of the case. Gavin has a particular depth of experience in class claims against technology companies, insurers, escrow companies, and wireless phone service providers alleging unfair business practices and violation of consumer protection laws.

Commercial Litigation

Gavin handles a wide variety of interesting and challenging general commercial litigation matters in multiple industries.

For example, in 2019, he won a week-long trial over earnout payments owed to his client for the sale of interests in a large EB-5 real estate developer. In 2018, Gavin represented a leading video game company in two arbitrations brought by consumers claiming his client promoted gambling of virtual items in their video games, prevailing in both cases after full evidentiary hearings. Gavin also recently won a \$21.2 million award in a multi-day arbitration for a group of beer distributors related to the termination of their rights to distribute Pabst-owned beer brands in Washington State.

Other examples of the diverse commercial litigation cases Gavin has handled include a multi-day arbitration before the International Centre for Dispute Resolution of a dispute involving real estate franchising rights for Brazil, resulting in multimillion-dollar verdict for Gavin's client; a multimillion-dollar race car sponsorship dispute, culminating in a week-long bench trial in federal court; a week-long jury trial defending a magazine and a reporter against claims of breach of confidentiality; securities fraud claims ranging from individual FINRA arbitrations to class actions; earnout and royalty litigation in a variety of industries, including a two-week jury trial over underwater video camera royalties and other



lengthy earnout litigation in the foodservice, real estate, disaster relief, and professional services industries; significant insurance bad faith claims, including a week-long jury trial culminating in a complete defense verdict for Gavin's client; as well as patent infringement litigation and cannabis litigation.

Privacy Litigation

Gavin defends businesses in class action and individual lawsuits alleging privacy violations. He also defends clients in data breach litigation, and was counsel to Starbucks in [*Krottner v. Starbucks*](#), a seminal data breach decision by the Ninth Circuit Court of Appeals. He also assists companies in conducting investigations and responding to instances of data loss and theft.

Gavin also serves as co-chair of the firm's Partnership Advancement Committee.

Before Fox Rothschild

Prior to joining Fox, Gavin chaired the Litigation Practice at Riddell Williams.

Before joining Riddell Williams, Gavin was a law clerk to U.S. District Judge Robert H. Whaley in the Eastern District of Washington.

Beyond Fox Rothschild

Gavin enjoys presenting on data security and privacy issues and class actions, and contributes to legal industry publications, including Law360, Today's General Counsel and the Association of Corporate Counsel's newsletters. He is also on the faculty of the National Institute for Trial Advocacy and regularly teaches at its deposition and trial skills workshops.

Gavin is a member of the William L. Dwyer Inn of Court and has provided pro bono service to numerous entities, including the ACLU, a local public defender agency (for which he tried several cases to a jury), Oxford House, a local winner of a major network home remodeling show and other local organizations and individuals.

When he's not practicing law, Gavin enjoys spending time with his wife and daughter, wakeboarding and wakesurfing and looking for those rare sunny days in Seattle.

Honors & Awards

- Rated AV Preeminent by Martindale-Hubbell
- Rated 10.0 by Avvo
- Named a Washington "Super Lawyer" (2015-2020)
- Named among Washington's "Top 100 Super Lawyers" (2020, 2018, 2016)
- Named to Washington "Super Lawyers Rising Stars" (2011-2014, 2004-2009)
- Named to "The Best Lawyers in America" list for Commercial Litigation in Washington by *Best Lawyers* (2018-2021)

Practice Areas

- Litigation
- Class Actions
- Privacy & Data Security
- Technology



Bar Admissions

- Washington

Court Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Western District of Washington
- U.S. District Court, Eastern District of Washington

Education

- University of Washington School of Law (J.D., *with honors*, 1999)
- Gonzaga University (B.A., *with honors*, 1996)

Memberships

- The William L. Dwyer Inn of Court

Class Action Experience

Gavin has extensive experience in class action litigation, particularly in defending class claims against technology companies, insurers, and wireless phone service providers alleging unfair business practices, violation of consumer protection laws, or privacy violations.

Technology Class Actions

Defending **Valve Corporation** in several nationwide class actions consolidated in federal court in Washington State claiming Valve promoted online gambling of virtual items (“skins”) through its online gaming platform Steam, in violation of RICO and various state gambling laws and consumer protection statutes. Won enforcement of consumer arbitration agreements, requiring individual arbitrations of all claims, then won the individual arbitrations.

Defended a **TV advertising metrics technology company** in a putative nationwide class action claiming violation of the Video Privacy Protection Act and various state laws from collection and use of TV viewing data.

Defended **video game hardware manufacturer** in putative nationwide class action against claims that alleged failures of its online gaming network and use continuity problems with its service breached customer contracts, violated the Washington Consumer Protection Act, and gave rise to claims for negligent misrepresentation.

Consumer Class Actions

Defended **Sprint Corporation** in putative statewide class action alleging it improperly charged customers city utility taxes in violation of Washington’s Consumer Protection Act and in breach of its customer contracts. Won dismissal of all claims based on application of the safe harbor provision in the Mobile Telecommunications Sourcing Act in the first known test of the constitutionality of that provision.



Defended **United Airlines** in a putative nationwide class action case challenging collection of checked baggage fees. All claims dismissed on our motion, and attorney fees awarded against plaintiff and plaintiff's counsel.

Defended **major wireless communications provider** in certified statewide class action involving more than 500,000 class members and alleging that improperly itemized tax amounts in customer invoices, in breach of contract and consumer protection laws. Won transfer to arbitration by enforcing consumer arbitration agreements, then successfully resolved claims and broadly eliminated exposure through settlement.

Defended **adSage**, one of China's largest search engine marketing companies at the time, in a putative nationwide class action alleging violation of the Lanham Act and New Mexico Unfair Practices Act related to online marketing of counterfeit goods by others. Persuaded plaintiffs to voluntarily dismiss claims after motion to dismiss was filed.

Defended **Sprint Corporation** in statewide class action alleging that it breached a prior class action settlement and improperly charged taxes to consumers in violation of the Washington Consumer Protection Act.

Privacy Class Actions

Defended **Starbucks** in a proposed nationwide class action against claims of negligence and breach of contract arising from the theft of employee information. Won dismissal on defense motion, which was affirmed by the Ninth Circuit. See *Krottner v. Starbucks Corp.*, 628 F.3d 1139 (9th Cir. 2010).

Defended **video game maker** in putative nationwide class action arising from alleged data breach. Won early dismissal of 9 of 10 claims.

Defended Hawaii's largest restaurant chain in a data breach class action brought on behalf of 360,000 customers arising from a hack into their point of sale systems. Successfully negotiated a nationwide settlement.

Defended leading **global software manufacturer** in nationwide class action against claims that software used to combat piracy violates customer privacy and breaches state consumer protection laws. Won summary judgment on several claims and opposed class certification, leading plaintiffs to dismiss remaining class and individual claims.

Product Liability Class Actions

Defeated motion for certification of a proposed nationwide class of 740,000 purchasers who asserted claims against **thermostat manufacturer** alleging that the manufacturer breached express warranties and violated consumer protection laws by selling defective thermostats and conducting an allegedly inadequate recall, resulting in voluntary dismissal by plaintiffs.

Defended **video game hardware manufacturer** in putative nationwide class action against claims that alleged failures of its online gaming network and use continuity problems with its service breached customer contracts, violated the Washington Consumer Protection Act, and gave rise to claims for negligent misrepresentation.

Insurance Class Actions



Defeated motion for class certification by a proposed class of insureds who asserted that **Esurance** improperly considered whether an insured was at maximum medical improvement when adjusting claims for personal injury protection auto insurance benefits.

Defended **Allstate Property & Casualty Co.** against putative class claims of unreasonable denial of coverage based on construction defects (allegedly contrary to Washington's efficient proximate cause rule) in case of first impression regarding whether class claims can be brought under Washington's Insurance Fair Conduct Act. Won motion to strike all class action allegations.

Defended major automobile insurers – including **Allstate, American Commerce Insurance Company, and Commerce West Insurance Company** – in several statewide class action cases challenging claims handling practices, including treatment of diminished value claims, use of computerized databases in claims handling, and reductions of first party payments based on usual and customary charges in a geographic area.

Defended **national auto insurer** in statewide class action alleging failure to reimburse full collision insurance deductibles to its insureds who were partially at fault in causing auto accidents, in violation of the Washington Consumer Protection Act and common law.

Real Estate and Escrow Class Actions

Defended **Old Republic Title** against class action alleging it insufficiently disclosed and wrongly collected reconveyance fees in real estate transactions, and that it improperly retained earnings credits and other benefits on funds held in escrow. Won pre-certification summary judgment on the majority of plaintiffs' claims, leading plaintiffs to dismiss their remaining claims.

Defended **escrow company** in state class action alleging overcharge of escrow fees and recording charges in violation of state consumer protection laws. Persuaded plaintiffs to withdraw escrow fee claims, then negotiated class-wide settlement that successfully eliminated recording charge claims for a fraction of the damages sought.

Defended **escrow company** against class action claims that it improperly charged fees for ancillary services in real estate transactions. Case was dismissed prior to class certification upon granting of our two summary judgment motions.