



JACK L. MILLMAN

PARTNER

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Jack Millman maintains a commercial litigation and appellate practice that spans many industries. He has represented clients in federal and state courts throughout the country. As part of these representations, he has drafted numerous motion and appellate briefs, including in securities fraud, employment, and breach of contract cases.

He has also argued before the Sixth and Seventh Circuits, and his successes have been recognized in *Law360*'s Legal Lions column and *The American Lawyer*'s Litigator of the Week column.

Jack clerked for Justice Clarence Thomas of the United States Supreme Court during the 2020-21 term, and previously clerked for Judge Diarmuid F. O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit and Judge Edward Earl Carnes of the U.S. Court of Appeals for the Eleventh Circuit. He graduated *summa cum laude* from the New York University School of Law, where he is now an adjunct professor who co-teaches the Supreme Court Simulation Seminar with Dean Troy McKenzie.

His *pro bono* experience covers criminal defense and work on the asylum application process, and he has written academic articles on education policy and reforming third-party litigation funding.

Jack previously was an associate at Jones Day, where he practiced as an appellate litigator, and at Wachtell, Lipton, Rosen & Katz, where he practiced in the Executive Compensation and Benefits Department. He earned the rank of captain in the New York Army National Guard and served in the National Guard for more than a decade before retiring in 2019. He received a Bronze Star Medal for meritorious service in Afghanistan in 2012.

NOTABLE CASES

- Secured a unanimous win at the U.S. Supreme Court in favor of the petitioner in *Waetzig v. Halliburton Energy Services, Inc.*, concerning the meaning and application of FRCP 60(b).
- Aerospace start-up Zunum Aero Inc., winning a jury verdict finding Boeing liable for \$81.3 million for misappropriating substantial trade secrets related to the development of electric and hybrid-electric aircrafts. On appeal, the Ninth Circuit reinstated the jury verdict in full.
- Melody Business Finance, a hedge fund, in litigation against former hedge fund billionaire Philip Falcone, securing an award of \$69.8 million—approximately 99% of the amount sought following a trial on damages.
- TiVo in contract disputes with cable providers.
- Facebook co-founder Eduardo Saverin's Progresso Ventures in obtaining a string of victories and grants of summary judgment in actions related to a dispute with an investment advisor and various guarantors arising out of investments in Facebook stock and securities.

- HSBC and other bank trustees in actions involving asset-backed securities, each with hundreds of millions of dollars at issue, arising out of the 2008 financial crisis.
- PetSmart in a covenants dispute with lenders regarding \$8 billion in debt obligations.
- Cleveland Unlimited, Inc., against bondholder claims alleging that a restructuring transaction violated the indenture's non-impairment clause.
- Counsel for individuals and entities in multiple proceedings seeking or resisting discovery under 28 U.S.C. § 1782.
- Celgene, who prevailed in a five-week jury trial in a lawsuit brought by health insurance company Humana, Inc.
- Experian Information Solutions, Inc. in a Fair Credit Reporting Act liability lawsuit premised on an alleged legal inaccuracy—successfully defended a favorable judgment on appeal in the Second Circuit.
- Counsel for amici religious liberty organizations who filed a brief in support of the right of a Buddhist association to obtain zoning approval in Mobile, Alabama for its new worship facility.

WRITINGS

- "Paying for Failure: Subsidizing Schools, Not Education," 10 *Drexel Law Review* 307 (2018)
- Note, "Optimizing Deterrence in the Legal Claims Market," 91 *New York University Law Review* 496 (2016)
- "Gambling for Health Care," 76 *Ohio State Law Journal Furthermore* 33 (2015)

CLERKSHIPS

- Hon. Clarence Thomas, Supreme Court of the United States, 2020 – 2021
- Hon. Edward Carnes, U.S. Court of Appeals for the Eleventh Circuit, 2019 – 2020
- Hon. Diarmuid F. O'Scannlain, U.S. Court of Appeals for the Ninth Circuit, 2016 – 2017

EDUCATION

- New York University School of Law (J.D., *summa cum laude*, 2016; Order of the Coif; Furman Scholar; Butler Scholar; Articles Editor, *New York University Law Review*)
- The Ohio State University (B.A., 2010)

BAR AND COURT ADMISSIONS

- New York
- Ohio
- Supreme Court of the United States
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Ninth Circuit

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Eastern District of Wisconsin