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Ms. Park specializes in a broad range of commercial litigation and has extensive experience handling matters involving complex coverage litigation, antitrust, unfair business practices, employment, professional malpractice, products liability, and construction defect matters, as well as general litigation matters. She has also co-chaired in the jury trial of a client accused of employment discrimination, resulting in a successful defense verdict.

Prior to joining Ropers, Ms. Park has had extensive experience in defending California and nationwide class action lawsuits alleging consumer fraud and predatory mortgage lending.

Ms. Park's notable representation includes defending a client against a federal antitrust putative class action lawsuit. She also frequently represents a major financial institution in commercial banking cases involving identity theft, the Fair Credit Reporting Act and the Fair Debt Collection Practices Act. She has successfully defended such cases on dispositive motions and in arbitrations.

Ms. Park is licensed to practice in all New Jersey State and Federal Courts, California State and Federal Courts, New York State Courts, and the United States District Courts for the Southern and Eastern Districts of New York. She is a member of the New York State Bar Association, the National Asian Pacific American Bar Association, and the National Association Insurance Women.

Ms. Jung H. Park was born in Seoul, Korea. She graduated *cum laude* from the State University of New York at Binghamton in 1995, and in 1998, received her law degree from Boston University School of Law.

Practice Areas

- ▣ Business And Commercial Litigation
- ▣ Construction
- ▣ Professional Liability
- ▣ Class Action/Complex Litigation
- ▣ Insurance Services
- ▣ Antitrust

Education

- Binghamton University, 1995 B.A.
cum laude
- Boston University, 1998 J.D.

Court Admissions

- California
- New Jersey
- New York
- USDC: Central District of California
- USDC: Eastern District of California
- USDC: Eastern District of New York
- USDC: Northern District of California
- USDC: Southern District of California
- USDC: Southern District of New York

Memberships & Associations

- National Asian Pacific American Bar Association
- National Association Insurance Women

Representative Experience

Practice Area: Appellate, Business And Commercial Litigation, Class Action/Complex Litigation, Coverage, Insurance Services

Key Issues: Coverage

Venue: Superior Court of New Jersey, Middlesex County and Superior Court of New Jersey, Appellate Division

Client Type: Insurance Company

In this action, AT&T Corp. ("AT&T") sought coverage under two insurance towers for five underlying actions. In one of the underlying actions, judgment had already been entered against AT&T in the amount of \$11,306,986.00. AT&T alleged that all five actions were covered by two insurance towers, triggering the duty to defend and indemnify. In these underlying lawsuits, the claimants allege that AT&T breached various contracts when it failed to make appropriate payments upon cancellation of the claimants' stock options and failed to obligate its former subsidiary to make those payments. These cases have their genesis in the 2000 merger of AT&T and MediaOne and AT&T's assumption of certain obligations under a 1994 MediaOne stock options grant plan (the "1994 Plan"). As part of the MediaOne-AT&T merger, it was agreed that the terms and conditions of the 1994 Plan would be adjusted into options to purchase AT&T stock. However, through AT&T's spinoff of its wireless business and then subsequent merger with Cingular Wireless LLC, the claimants allege that the price offered to the plan participants were not in accordance with the 1994 Plan. The insurers moved to dismiss AT&T's insurance coverage action because the allegations in the underlying actions did not trigger the duty to defend or indemnify. The New Jersey Superior Court agreed with the insurers and dismissed with prejudice all of AT&T's claims. Plaintiff AT&T Corp. appealed from this decision. The New Jersey appellate court affirmed the lower court's decision. The appellate court held that to determine whether coverage exists, the inquiry is whether the allegations of the complaints fall within the insured risk as set forth in the unambiguous insurance policies and

that the courts need not inquire into the facts underlying the complaints. The appellate court held that the allegations in the underlying actions are not covered losses and therefore, the insurers had no duty to defend or indemnify. The appellate court agreed with the lower court that the dismissal of the action was not affected by the fact that certain underlying actions may be pending. However, The appellate court did note that if the complaints in the pending actions were amended to allege acts amounting to a covered loss, AT&T could renew its demand for coverage.

Result:

The appellate court affirmed the lower court's dismissal of the coverage action.

Practice Area: Business And Commercial Litigation, Class Action/Complex Litigation, Coverage, Insurance Services

Key Issues: Coverage

Venue: New Castle County, Delaware Superior Court

Client Type: Defendant Insurance Company

This was a \$600 million lawsuit which was filed against, inter alia, our client, an insurance carrier. The case was a complex coverage action, involving Plaintiff, a telecommunication provider, and eight insurance carrier defendants. The plaintiff had sought insurance coverage from the insurers on five different insurance towers for multiple shareholder lawsuits. The multiple lawsuits could be divided into three categories. The first category of lawsuits arose out of the plaintiff's efforts to transform the company from a low growth long distance carrier into a rapidly growing telecommunications giant capable of delivering "bundled services." The allegations were based on assertions that the plaintiff and its individual officers and directors artificially inflated stock price by painting an unrealistically positive portrait of the company's financial condition in an effort to ensure the success of the spin off of its wireless operation. The second category of lawsuits arose out of the IPO of the telecommunication providers tracking stock. These lawsuits alleged that the plaintiff and certain of its directors and officer misrepresented and/or omitted material facts in connection with the IPO in violation of the federal securities acts. The third category of lawsuits concerned allegations that the plaintiff and certain directors and officers improperly acquired majority ownership control over a now defunct internet service provider and thereafter, misappropriated the provider's technology to the benefit of the plaintiff and to the detriment of the provider, eventually driving the provider into bankruptcy.

Result:

Approximately a month before jury selection was to begin, our client and the one other remaining insurer entered into extensive settlement negotiations which resulted in a resolution our client viewed as a very favorable result.

Practice Area: Lawyers, Professional Liability

Key Issues: Legal malpractice defense

Venue: New York State Supreme Court, Queens County

Client Type: Defendant law firm

Legal malpractice action against law firm that represented plaintiff in an underlying medical malpractice action.

Trial resulted in a defense verdict and client sued law firm for malpractice. **Result:**

At close of evidence on plaintiffs' case and after plaintiff rested, we moved for a directed verdict dismissing the action. The court granted the motion and directed a verdict in favor of our client, defendant law firm.

News

- Ropers Majeski Kohn & Bentley Elevates Four Associates to Partner in California and New York, 7/28/2009