

C. Kinnier Lastimososa
Associate, Chicago, Illinois

Mass Tort and Complex Litigation
 Commercial Litigation
 Insurance Law



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Current Scope of Practice

C. Kinnier Lastimososa's practice focuses on the defense of state and nationwide class actions, and other complex commercial and mass tort litigation. Substantive areas include products liability, consumer remedies, trade practices, insurance and reinsurance.

Litigation Matters

Mr. Lastimososa's recent representative litigation matters include:

- Dismissal with prejudice of a manufacturer of a pain pump that had been surgically implanted in the plaintiff's shoulder.
- Summary judgment based on lack of defect or causation in favor of the manufacturer of an intraocular lens surgically inserted in the plaintiff's eye.
- Decertification of a purported class action against a distributor of metallic building components based on allegations that its marketing violated the Telephone Consumer Protection Act.
- Dismissal with prejudice based on the plaintiff's lack of standing to assert claims of fraud, consumer fraud and professional negligence against a life insurance company.
- Defense of a drug manufacturer in a lawsuit alleging that certain over-the-counter infant cough and cold medications caused the death of an 8-month-old.
- Successful trial to a defense verdict and recovery on counterclaim in commercial litigation involving breach of contract claims.
- Dismissal, affirmed by the U.S. Court of Appeals for the Tenth Circuit, of foreign insurer based on lack of personal jurisdiction.

- Affirmation by U.S. Court of Appeals for the Second Circuit of the reasonableness of class action settlement terms.

Affiliations, Activities and Accomplishments

Mr. Lastimoso is admitted to practice in Illinois (2002) and before the U.S. District Courts for the Northern, Central and Southern Districts of Illinois. He is also admitted to practice in the U.S. Court of Appeals for the Second Circuit.

Mr. Lastimoso serves on the Board of Directors of the Chicago Bar Foundation. He is also a member of the Defense Research Institute, Illinois Association of Defense Trial Counsel, Chicago Bar Association, and Asian American Bar Association. Mr. Lastimoso was named Sedgwick Chicago's 2006 Pro Bono Attorney of the Year.

Publications and Presentations

Mr. Lastimoso's publications and presentations include:

- "‘All Sums Paid’ Does Not Include Settlements by Non-Motorist Parties to the Accident," *IDC Quarterly*, (Winter 2011), presented to the Illinois Association of Defense Trial Counsel Insurance Committee (August 12, 2010).
- "Legal Ethics for the Modern Lawyer," co-presented at the offices of a Sedgwick client (October 8, 2009).
- "Documentation Retention, Spoliation and Production in the Digital Age," co-presented at Sedgwick's Chicago Seminar Series (September 24, 2009).
- "What to Do With the Leftovers?: Residual Funds in Class Action Common Funds Under 735 ILCS § 5/2-807," *Illinois Defense Counsel Quarterly*, vol. 18, no. 1 (2008).
- "Illinois High Court Refines State Class Action Jurisprudence," *Legal Background*, Washington Legal Foundation (Washington, D.C.) (March 9, 2007).
- "Can an Act Be Both Negligent and Intentional?: Liability Insurance and the Adjudicated Dishonesty Exclusion," Mealey's *Emerging Insurance Disputes*, vol. 9, no. 2 (January 20, 2004), reprinted in *The ICFAI Journal of Insurance Law* 56 (April 2005).
- "One Man's Ceiling Is Another Man's Floor: The Effect of Post-Removal Damage Stipulations on the Amount in Controversy Requirement of a Diversity Case," *Washington University Law Quarterly*, vol. 81, no. 2 (2003).
- "Automatic for Removal?: The Use of Post-Petition Evidence to Establish the Amount in Controversy for Diversity Jurisdiction," *Washington University Law Quarterly*, vol. 80, no. 1 (2002).

Education

Mr. Lastimoso received his J.D. (2002) from Washington University in St. Louis and his B.A. (1998) from Northwestern University.