



→ Samuel D. Duimovich

Associate

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Samuel Duimovich is an associate in the Business Trial Practice Group in the firm's San Diego office and is a member of the firm's Out at Sheppard LGBTQ Group

Areas of Practice

Samuel represents clients in complex civil and class action disputes with a particular emphasis in healthcare, insurance and securities litigation. He defends health plans, insurers, and trade organizations in contract disputes, bad faith actions, statutory and equitable relief claims, constitutional challenges, and regulatory matters. Samuel has experience in all stages of litigation, including motion practice, fact and expert discovery, depositions, trial, and post-trial motions in both state and federal court.

Samuel also has extensive experience large discovery projects involving ESI. He has led fact discovery teams, including document reviewers, in large derivative class actions and SEC inquiries involving extensive documents and data collection and review.

Samuel is also actively involved in pro bono matters, having drafted a US Supreme Court amicus brief and successfully briefed and argued an asylum case in immigration court. He has received numerous recognitions for his pro bono contributions, including the California State Bar Wiley M. Manuel Award and the Inn of Court Pro Bono Publico Award from the Casa Cornelia Law Center.

While attending law school, he received a Business Law Certificate and served on the *Southern California Review of Law and Social Justice*.

Honors

Rising Star, *San Diego Super Lawyers*, 2018-2023

Youth Justice Award, ACLU of Southern California, 2020

Wiley M. Manuel Award for pro bono work, California State Bar

Inn of Court Pro Bono Publico Award, Casa Cornelia Law Center, 2016

Experience

Mr. Duimovich's representative matters include representing:

- Healthcare plans in "reasonable and customary value" disputes with providers. Recently obtained complete defense victory in dispute against provider seeking over \$15 million for services rendered to plan members.

- Healthcare trade organization in successful challenge to emergency regulations under the Administrative Procedures Act.
- Healthcare trade organization in constitutional challenge to statute, including procuring preliminary relief.
- Healthcare plans in class actions regarding compliance with COVID-19 statutes and regulations.
- Healthcare plan sued under California's Unfair Competition Law for violating state and federal provider directory rules, including a successful motion for complete summary judgment.
- Insurance companies against claims of bad faith denial of coverage, from discovery through post-trial motions, including several victories on summary judgment.
- Insurance companies in class actions concerning COVID-19 coverage decisions, including obtaining dismissals at the pleading stage.
- Directors and officers in a derivative class action trial in Delaware Chancery Court against both former stockholders, claiming breach of fiduciary duties arising out of a merger, as well as client's former counsel under aiding and abetting claims. Participated in all facets of litigation, including fact and expert discovery, deposition preparation, briefing, witness preparation, and direct and cross examination preparation.
- A Dow Jones-listed corporation in a securities class action by shareholders claiming violations of the Securities and Exchange Acts that transverse both state and international jurisdictions.
- A public company's CEO in an SEC investigation into insider trading allegations, which resulted in successfully petitioning the SEC to take no action.
- A syndicate of LGBT military organizations in an amicus brief before the US Supreme Court that was cited by a Justice.
- An LGBT Nigerian national in a defensive asylum proceeding in immigration court after she fled persecution in her home country. Obtained a complete victory with appeal waived. Responsible for all aspects of case, including fact discovery, briefing and oral arguments.

Media Mentions

Health plans win summary judgements over doctor directory claims
Daily Journal, 09.22.2022

Practices

Litigation

Insurance Litigation

Education

J.D., University of Southern California Law School, 2014, *Order of the Coif*

B.A., University of California, San Diego, 2011, *cum laude*

Clerkships

Judicial extern for the Honorable George H. Wu of the United States District Court for the Central District of California.

Admissions

California

U.S. District Court for the Southern District of California

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California