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David handles a wide range of complex commercial disputes in both state and federal tribunals. Representing businesses, business owners, investors, senior executives, and professionals, he has litigated and arbitrated numerous cases involving contracts, business torts, real property rights, and other issues arising from commercial activity.

David often represents equity owners in privately-held entities, from family businesses to investment partnerships with hundreds of partners, in matters such as disagreements over minority rights, claims of breaches of fiduciary duties, and asset liquidations and distributions.

Another focus of David's practice is mortgage-related and tax foreclosure litigation. He has handled a number of commercial foreclosure cases. Working with members of the firm's Real Estate Group, he has advised mortgagees, mortgagors, and tax certificate holders regarding their rights. David has also written on the subject of foreclosure.

David also advises businesses, senior executives, and professionals on disputes regarding employment arrangements. The issues in dispute include severance, discipline, non-competition and non-solicitation agreements, and life insurance.

Beyond business litigation, David has a robust fiduciary litigation practice. Working with members of the firm's Trusts and Estates Group, he regularly represents both fiduciaries and beneficiaries in a wide variety of complex disputes before probate courts.

HIGHLIGHTS

- > Representation of limited partner in investment partnership which lost funds in Madoff Ponzi scheme, obtaining some of biggest known single-investor judgments against "feeder fund" manager and major public accounting firm
- > Defense of Chairman of South American business conglomerate in contempt of post-judgment discovery proceedings in New York Supreme Court, including first-chairing 6-day trial
- > Successful litigation on behalf of co-trustee to prevent decanting of substantial charitable trust
- > Representation of key commercial mortgage-backed securities investor (directing



certificateholder) in complex multiparty foreclosure action, defeating \$11 million borrower third-party claim

- > Obtaining broad injunctive relief to prevent "freeze-out" of non-controlling equity owner in one of New Jersey's largest car dealerships
- > Securing, on behalf of long-established check cashing business operator, of unanimous reversal by the New Jersey Supreme Court of erroneous lower court interpretation of Check Cashers Regulatory Act

OTHER EXPERIENCE

- > Superior Court of New Jersey, Chancery Division, Law Clerk, Hon. Harriet Derman, P.J.Ch., and Hon. Allison E. Accurso, P.J.Ch. (2008-2009)
- > Vice President, investor relations and strategic consulting firm (2002-2003)

PROFESSIONAL & CIVIC ACTIVITIES

- > New Jersey State Bar Association, Special Committee on Equity Jurisprudence
- > New York State Bar Association, Commercial and Federal Litigation Section, Committee on Legislative and Judicial Initiatives

PUBLISHED/UNPUBLISHED OPINIONS

Garden State Check Cashing Serv., Inc. v. Dep't of Banking & Ins., 206 A.3d 375 (N.J. 2019)

Patane v. Nestle Waters N. Am., Inc., 314 F. Supp. 3d 375 (D. Conn. 2018)

Shuckett v. DialAmerica Mktg., Inc., No. 17-Cv.-2073 (LAB) (KSC), 2019 WL 3429184 (S.D. Cal. July 30, 2019)

Zehm v. Morgan Properties, No. 117-Cv.-1758 (NLH) (KMW), 2017 WL 4876783 (D.N.J. Oct. 27, 2017)

Law Offices of Clifford G. Kleinbaum v. Shurkin, No. A-2681-10T3, 2011 WL 5828562 (N.J. Super. Ct. App. Div. Nov. 21, 2011)

PRACTICE AREAS

- > Litigation and Dispute Resolution

EDUCATION

- > Yale University (B.A. 1999)
- > Washington University School of Law (J.D. 2006)

ADMISSIONS

BAR ADMISSIONS

- > New Jersey 2006
- > New York 2007



COURT ADMISSIONS

- > U.S. Court of Appeals, Second Circuit
- > U.S. District Court -- District of N.J., Southern District of N.Y. and Eastern District of N.Y.

RELATED NEWS & PUBLICATIONS

- > New York Law Journal Features OLSS Dispositive Motion Victory in New York Supreme Court Commercial Division
- > OLSS Obtains Rare Summary Judgment for Defendant in TCPA Class Action in Ninth Circuit
- > Second Circuit Seals Win for OLSS's Client, American International University in London, Affirming Summary Judgment Against Disgruntled, Failed Master's Student
- > OLSS's New Jersey Supreme Court Victory Allows its Client's Check Cashing Business to Stay Open
- > OLSS Obtains Judgment by Settlement for its Clients Against Major Accounting Firm
- > New Jersey Judiciary's Foreclosure Mediation Program: Will It Bring a Sea Change to Foreclosure and Should It?