



PEOPLE

# David C. Singer

Partner

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## Overview

**DAVID HELPS CLIENTS AVOID DISPUTES AND RESOLVE THEM WHEN NECESSARY THROUGH STRATEGIC NEGOTIATION, MEDIATION, ARBITRATION OR TRIAL.**

David is an experienced litigation partner. He has served as lead litigation and trial counsel on matters involving business contracts, business torts, executive employment agreements, restrictive covenants, unfair competition, fraud, misappropriation of trade secrets, employment termination, employment discrimination, real estate valuations and other commercial matters.

He has successfully tried and defended cases in federal and state courts before judges and juries. He has also represented clients before administrative agencies and arbitration panels and in appellate arguments, mediations and negotiations. David advises clients on litigation avoidance and preparedness and performs litigation risk assessments. He also focuses on alternative dispute resolution, and has served for more than 30 years both as an arbitrator and mediator, primarily focusing on business and executive employment matters.

## Experience

### Experience as Litigator and Trial Lawyer

- *Beijing Huakong Technology Co. Ltd. v. SMAR Equipamentos Industriais Ltda* (lead counsel for Brazilian respondent-counterclaimant in arbitration under the auspices of Stockholm Chamber of Commerce between high-tech Chinese and Brazilian corporations involving claims of breach of contract for failure to provide product that conformed to specifications, and counterclaims for theft of computer software and related technology; arbitration held in London; award in favor of respondent on claims and award of counterclaims)
- *Brady & Sun, Inc., v. Four Seasons Solar Products Corp.* (lead counsel for defendant solarium manufacturer and distributor in complex federal court contract and unfair trade practices case; jury verdict for defendant and award of counterclaims)
- *Willis Re Inc. v. Simon Hudson and John B. Collins Associates, Inc.* (lead counsel for corporate defendant in action asserting claims of breach of restrictive covenant, confidentiality agreements and fiduciary duty, tortious interference with contracts; summary judgment awarded in favor of defendant; affirmed on appeal)
- *NJ Plastic Surgery, Inc. v. Ceridian, Inc.* (lead counsel for defendant tax services provider in New Jersey state court fraud and breach of contract case; jury verdict for defendant)
- *Peter Connolly v. Canon U.S.A., Inc.* (defense of age discrimination case, including successful trial before New York State Division

of Human Rights)

- *Koren-DiResta Construction Co., Inc. v. Indonesian Mission to the United Nations* (lead counsel in AAA arbitration for owner in construction dispute; after 22 days of hearings, settled for nominal amount)
- *Mark Jones v. Canon Business Solutions-East, Inc.* (defense of employment discrimination/whistleblower action in Michigan federal court asserting retaliation and unlawful termination of employment; summary judgment awarded in favor of defendant)
- *Aero Falcon, S.A. v. G. Andrew Deutsch and Falcon Jet Aircraft* (lead counsel for owner of Argentinian jet aircraft distributor brought by prior owner alleging interference with contract and related claims; after three week bench trial in New Jersey Superior Court, decision in favor of defendant)
- *Peregrine v. large financial services company* (lead counsel for plaintiff in federal court involving claims of breach of ISDA Master Agreement; favorably settled)
- *Matt Ellman v. Marcella Corporation* (lead counsel for defendant in New Jersey litigation involving claims by independent contractor for unpaid sales commissions and other compensation; favorably settled)
- *Elghanayan v. Eshaghian* (lead counsel for respondents in AAA arbitration concerning real estate partnership dispute among partners, including contract, fiduciary duty, constructive trust and fraud claims; after hearing, award in favor of respondents)
- *Electricity Pensions Trustee Limited v. Creek Funding Corporation and Sarakreek Holding N.V.* (lead counsel for British pension fund in arbitration under auspices of the International Chamber of Commerce concerning alleged multi-million dollar breach of stock purchase agreement involving sale of hotel and office complex; favorably settled)
- *Mt. Lucas Associates, Inc. v. MG Refining and Marketing, Inc.* (lead counsel for plaintiff/counterclaim-defendants in action involving commodities investment consulting agreement, including contract, fiduciary duty, securities and commodities claims; partial summary judgment granted and affirmed on appeal; successful bench trial of remaining claims)
- *Fidelity Partners, Inc. v. First Trust of New York National Association* (defense of federal claims involving international indirect securities holding systems; dismissal of claims and affirmance on appeal by Second Circuit)
- *1174 Lexington Avenue Owners Corp. v. 1174 Lexington Avenue Corp.* (lead counsel for defendant in commercial lease dispute; after bench trial, decision in favor of defendant)
- *Elghanayan v. Eshaghian* (lead counsel for defendants in partnership dissolution action; after trial involving valuation of commercial and residential real property, decision in favor of defendants)

### **Experience as ADR Neutral**

Over 30 years of experience as independent arbitrator and mediator of domestic and international matters, including as chair of three arbitrator panels and single arbitrator. Known for case management skills and moving cases to conclusion in an efficient and cost effective manner.

As neutral, arbitrated hundreds of cases, including breach of executive contract agreements between former executive employees and financial institutions, garment industry, funds and other employers; breach of series of contracts between insurance company and pharmaceutical company; breach of purchase and sale agreements involving sale of accounting firm, restaurant business, document storage company, real estate complex, manufacturer of sensors for semi-conductor industry, car wash company; breach of agreement between importer and U.S. distributor of alcoholic beverages; breach of contracts between foreign manufacturer and U.S. distributor of plastic pallets; breach of contracts between large telecommunication companies and their foreign and domestic dealers and

distributors; contract dispute between major electronics manufacturer and computer software vendor; determination of liability for losses incurred between purchaser and seller of seed company.

As neutral, mediated hundreds of cases, including disputes between supplier and purchaser of computer technology products; financial institutions and other employers and former executive employees; religious institution and catering/restaurant vendor; retail employer, EEOC, ethnic based rights organization and former employees; real estate owner/developer and consultant/broker; and employment discrimination, unfair termination and whistleblower cases.

- Member, Panel of Arbitrators of American Arbitration Association (AAA) (Large Complex Commercial Panel, Commercial Panel and Employment Panel)
- Member, Panel of Arbitrators of International Center for Dispute Resolution (ICDR)
- Distinguished Neutral (Arbitrator), International Institute for Conflict Prevention and Resolution (CPR) (Franchise Panel and Employment Panel)
- Fellow, College of Commercial Arbitrators
- Court Appointed Arbitrator, Civil Court of the City of New York
- Certified Mediator, International Mediation Institute (IMI)
- Member, Panel of Mediators of American Arbitration Association
- Court Appointed Mediator, Commercial Division of NYS Supreme Court, New York County
- Court Appointed Mediator, U.S. District Court, Southern District of New York
- Court Appointed Mediator, U.S. District Court, Eastern District of New York
- Charter Member, National Academy of Distinguished Neutrals (NADN)
- Mediator, FINRA

## Professional & Civic

### Professional Achievements

- Chair (2015-2016), Chair Elect (2014-2015), Vice-Chair (2013-2014), Dispute Resolution Section of New York State Bar Association
- Co-Chair, Mediation Committee of New York State Bar Association (2011-2015)
- Member, Executive Committee of Dispute Resolution Section of New York State Bar Association (2011-present)
- Board Chair, Project Enterprise, a microfinance, job creation, anti-poverty non-profit organization, providing technical support, business training, micro-lending, networking opportunities, access to markets, pro bono legal and other services. (2001-present)

### Accolades

- Listed as a New York Super Lawyer, 2012-2015
- Listed in *Best Lawyers in America*®, 2010-2016
- *AV Preeminent*® peer rating by Martindale-Hubbell®

### Education & Admissions

New York University School of Law (J.D., 1980), Recipient of Moot Court Advocacy Award; Selected for Moot Court Board; Selected for Urban Law Clinic



University of Pennsylvania (B.A., 1976), *magna cum laude*

Urban Studies; Dean's List with Distinction

## Admissions

- New Jersey
- New York
  
- U.S. Court of Appeals for the Second Circuit; U.S. District Courts for the Southern, Eastern and Northern Districts of New York, District of New Jersey and Eastern District of Michigan

## Industries & Practices

- Appellate
- Commercial Litigation
- Executive Compensation
- Labor & Employment
- Health Litigation
- India
- Israel
- Tax Controversy & Litigation

## News & Resources

### Insights

Treatise, "ADR in Employment Law," Chapter Contributor (BNA Bloomberg)

October 2015

[Super Lawyers Recognizes 20 Dorsey Lawyers in New York](#)

September 16, 2015

["Rescission of Settlement Agreements: Rare but Possible," New York Law Journal](#)

August 17, 2015

[8 Dorsey Lawyers in New York Selected for Inclusion in \*The Best Lawyers in America\*® 2016](#)

August 17, 2015

[Dorsey Partner David Singer is new Chair of the Dispute Resolution Section of the New York State Bar Association](#)

June 10, 2015

[Amendments to the New York Wage Theft Prevention Act Lower Burdens but Increase Liability](#)

January 13, 2015

[Super Lawyers Recognizes 17 Dorsey Lawyers in New York](#)

September 23, 2014

[American Arbitration Association Adopts New Appellate Rules](#)

December 18, 2013



[Super Lawyers Recognizes 18 Dorsey Lawyers in New York](#)

September 13, 2013

["Exploring Duty of Good Faith In Mediation Proceedings," New York Law Journal](#)

October 11, 2011

["Arbitrator, Impartiality and the Duty to Disclose," New York Law Journal](#)

April 28, 2011

["The Duty of Good Faith in Mediation Proceedings," New York Law Journal](#)

August 25, 2010

[Dorsey Named A 'Champion of Entrepreneurship' by Project Enterprise](#)

October 17, 2008

["Title VII Retaliation Claims: What Constitutes Protected Activity?," New York Law Journal](#)

March 9, 2004

### Select Client Presentations

- Presenter, "Arbitration and Mediation," New York State Council of Industry, 2015; "Arbitration, The Preliminary Hearing," American Arbitration Association Webinar, 2014; "Arbitration Award Writing," NYSBA Arbitration Training, 2011-2015; "Arbitration of Employment Disputes," Labor and Employment Section of NYS Bar Association Annual Meeting, 2011; "Preparing for Mediation: Tips for the Advocate and Tips for the Mediator," Dispute Resolution and Labor and Employment Sections of NYS Bar Association, October 2009; "Employment Mediation," New York County Bar Association, 2011, 2003, 2001