



David Margulis

Associate

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David focuses his practice on commercial litigation, working on a wide range of matters including antitrust actions, complex civil RICO disputes, defamation actions, and contractual disputes. In addition, he represents BIPA defendants in complex BIPA class actions involving federal law preemption. David is part of a sub-group developing cutting-edge BIPA defenses to advance the law for BIPA defendants facing increasingly volatile BIPA case law.

While in law school, David served as a summer associate to both Cozen O'Connor and Madison Square Garden. He also worked in the Massachusetts Attorney General's Office in the White Collar and Public Integrity Division. David earned his B.A. from the University of Michigan and his J.D. from Harvard Law School.

Experience

Prevailed on behalf of a private medical practice and its majority shareholders in a "business divorce" arbitration against one of their founding shareholders after uncovering that he was working to create a competing practice. After successfully compelling arbitration in NJ Superior Court, contentious motion practice and discovery, and a seven-day hearing, a three-arbitrator AAA panel found that the practice proved its claims for breach of fiduciary duty and breach of contract, and rejected the founder's minority shareholder oppression claim. The panel awarded the practice significant equitable relief, including enforcing a two-year restrictive covenant and ordering that the practice buy out the founder for only one-third of the fair value of his 25 percent interest under their shareholders' agreement's punitive, for "cause" termination provision.

Successfully represented the owner of a number of newspapers in overturning an injunction against a reporter for the Arizona Capitol Times that an Arizona State Senator had obtained at an *ex parte* hearing. We requested a hearing, at the conclusion of which the injunction was dismissed, with the judge ruling that the reporter's actions were protected by the First Amendment, served a legitimate purpose, and therefore could not constitute harassment (as the Senator had claimed) under the applicable statute.

Won a motion to dismiss and an anti-SLAPP motion, as well as an award of attorneys' fees, in a defamation case in California federal court in which we represented a climate scientist who had been asked to provide public feedback on the notion of "geoengineering" in connection with a documentary on the subject.

Practice Areas

- Commercial Litigation
- Privacy Litigation – Emerging Trends

Education

- Harvard Law School, J.D., 2020
- University of Michigan, B.A., *with honors*, 2017

Bar Admissions

- New York

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