

David M. Kusnetz

Partner

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New York



David M. Kusnetz is a partner in the New York office of Gibson Dunn. His practice focuses on high-stakes complex commercial, entertainment, intellectual property, and securities litigation. David regularly handles high-profile matters covered by major publications and media outlets.

Recent representative matters include:

- Jerry Seinfeld, Netflix, and Sony Pictures Television: Secured complete victories at the trial and appellate levels in copyright ownership lawsuit over Mr. Seinfeld's hit Netflix show, "Comedians in Cars Getting Coffee." The lawsuit's dismissal earned Gibson Dunn a spot on *Law360*'s list of "Legal Lions" and was featured on the front page of the *New York Law Journal*.
- Jerry Seinfeld: Represented Mr. Seinfeld in high-profile lawsuit concerning the authenticity of a rare 1958 Porsche. Defeated a motion to dismiss Mr. Seinfeld's third-party complaint, resulting in a favorable settlement for Mr. Seinfeld.
- Bob Dylan: Successfully prosecuted copyright infringement claim on behalf of Mr. Dylan, resulting in a highly favorable settlement.
- Vale S.A.: Represents the world's largest iron ore mining company in multiple billion-dollar putative securities class actions filed in the wake of catastrophic mining accidents in Brazil, including securing dismissal of one securities class action and successfully defeating class certification in another.
- Rio Tinto: Represented one of the world's largest mining companies in a putative securities class action and parallel SEC enforcement action arising from a multibillion-dollar write down of a Mozambique mining project. Secured dismissal of nearly all the SEC's fraud claims on a motion to dismiss, resulting in a settlement where the SEC agreed to drop all remaining fraud charges. Obtained dismissal of parallel securities class action on a motion to dismiss.
- Estée Lauder: Represents the global leader in prestige beauty in a putative securities class action arising from sales practices in China and South Korea.
- Lynn Tilton and Patriarch Partners: Served as member of the trial team that defeated an SEC fraud action seeking disgorgement of over \$200 million, in which all charges were dismissed following a three-week trial before an SEC Administrative Law Judge. Served as lead associate on a trial team that successfully prosecuted a fraud claim against a major insurance company, resulting in a favorable settlement just minutes before closing arguments.
- Currently representing Ms. Tilton in a billion-dollar adversary proceeding in bankruptcy court.

David has been recognized as "One to Watch" in Securities Litigation, Commercial Litigation, and Entertainment and Sports Law by *The Best Lawyers in America®*. Super

Capabilities

Litigation
Crisis Management
Intellectual Property
Media, Entertainment, and Technology
Securities Enforcement
Securities Litigation
Transnational Litigation
Trials
White Collar Defense and Investigations

Credentials

Education
Columbia University - 2014 Juris Doctor
Colgate University - 2009 Bachelor of Arts

Admissions

New York Bar

Clerkships

USDC, Southern District of New York, Hon. Richard Berman, 2015 - 2016

Lawyers has named him a "Rising Star" in Securities Litigation.

David maintains an active pro bono practice. David leads Gibson Dunn's nationwide efforts to combat antisemitism, co-founding and leading the ADL Legal Action Network and the Campus Antisemitism Legal Line (CALL). CALL received nearly 1,000 reports of antisemitism at 230 campuses nationwide and led directly to the filing of civil rights complaints and criminal prosecutions.

David also litigates civil rights cases. He successfully prosecuted a federal civil rights action as lead-counsel for a former prison inmate, in which he obtained a six-figure settlement. He also secured a significant settlement for a former ICE detainee in a Federal Tort Claims Act action arising from an assault by an ICE officer.

From 2015 to 2016, David served as a law clerk to the Honorable Richard M. Berman in the United States District Court for the Southern District of New York.

He earned his Juris Doctor in 2014 from Columbia Law School, where he was a Harlan Fiske Stone Scholar and a notes editor on the *Columbia Journal of Law and Social Problems*. While in law school, David served as a judicial extern to then-Chief Judge Dennis Jacobs of the U.S. Court of Appeals for the Second Circuit, an extern in the Criminal Division of the U.S. Attorney's Office for the Southern District of New York, and an intern in the Superior Court Trial Division of the Westchester County District Attorney's Office.

Prior to attending law school, he was an analyst in a strategic communications consulting firm, advising political candidates, government agencies, and major corporations.

David is admitted to practice law in the State of New York, and before the United States District Courts for the Southern and Eastern Districts of New York. He is also the Chair of the Colgate Lawyers Association.

Publications:

- Author, "Addressing Structural Racism in Juvenile Justice through Experimentalism," 47 *Columbia Journal of Law & Social Problems* 245 (2014).

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