David M. Kusnetz

Partner

dkusnetz@gibsondunn.com

T: +1 212.351.2657

New York



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

Representative Securities Litigation Matters:

- 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. For his successful defense of Vale, David was recognized in *The American Lawyer's* "Litigator of the Week" feature.
- Estée Lauder: Represents the global leader in prestige beauty in a putative securities class action arising from sales practices in China and South Korea.
- 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.
- 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.
- Hut 8 Corp.: Defending a leading FinTech company in a civil securities fraud class action in the Southern District of New York and numerous follow-on actions.

Representative Entertainment Matters:

- 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.

Capabilities

Litigation
Crisis Management
Intellectual Property
Media, Entertainment, and Technology
Mining and Metals
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

2026 Gibson, Dunn & Crutcher LLP. All rights reserved.
For other information, please visit us at **www.gibsondunn.com**

GIBSON DUNN

Representative Complex Commercial and M&A Matters:

- Vale S.A.: Successfully defended the world's largest iron ore mining company in the Texas Court of Appeals, obtaining dismissal after two years of jurisdictional discovery in a $500 million lawsuit brought by a rival mining company in Texas state court. For his successful defense of Vale, David was recognized in *The American Lawyer's* "Litigator of the Week" feature and was spotlighted in the *Texas Lawyer*.
- Lynn Tilton and Patriarch Partners: 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.
- The Nielsen Company: Represented Nielsen in expedited litigations before the Delaware Court of Chancery related to an M&A transaction. Secured permanent injunction in one case and a highly favorable settlement in another just minutes before the first witness took the stand at trial. The victories allowed the M&A transaction to close.

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 Lawyers* has named him a "Rising Star" in Securities Litigation. David has twice been recognized in *The American Lawyer's* "Litigator of the Week" feature and has also been highlighted for his precedent setting victories in the *New York Law Journal*, the *Texas Lawyer*, and *Law360*'s list of "Legal Lions."

David maintains an active pro bono practice. David leads Gibson Dunn's nationwide efforts to combat antisemitism, co-founding and leading two unprecedented initiatives: the ADL Legal Action Network and the Campus Antisemitism Legal Line (CALL). The ADL Legal Action Network has fielded over 1,500 reports of antisemitism from all 50 states. CALL received nearly 1,000 reports of antisemitism at 230 campuses nationwide. David's work on these initiatives led 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).

David M. Kusnetz
Partner

dkusnetz@gibsondunn.com

T: +1 212.351.2657

New York

2026 Gibson, Dunn & Crutcher LLP. All rights reserved.
For other information, please visit us at **www.gibsondunn.com**