



Daniel L. Brown

Partner

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PRACTICE AREAS

- Antitrust and Trade Regulation
- International Practice
- Litigation

INDUSTRIES

- Hospitality
- Social Media
- Sports

OVERVIEW

Mr. Brown is a partner in the Antitrust and Business Trial Practice Groups in the firm's New York office. He is also the Co-Chairperson of the firm's Electronic Discovery Group. In addition, Mr. Brown is the Chair of the firm's *Pro Bono* Committee.

Areas of Practice

Mr. Brown regularly represents clients in high stakes, complex, antitrust, securities and commercial litigations and arbitrations, including class actions. He has particular experience litigating significant business disputes involving contracts, securities, joint ventures, partnerships, fraud and fiduciary duties.

Mr. Brown also frequently counsels parties in the hospitality industry, and represents owners, franchisees, and managers in proceedings arising from management and franchise agreements.

EDUCATION

- J.D., Fordham University School of Law, 1998
- B.A. The University of Michigan, 1993

CLERKSHIPS

- Interned for the Honorable Michael B. Mukasey in the United States District Court for the Southern District of New York

ADMISSIONS

- New York
- U.S. Court of Appeals for the First and Second Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

EXPERIENCE

- Member of litigation and trial team for Samsung Electronics in the largest ever civil antitrust case.
- *In re SRAM Antitrust Litig.*, MDL No. 1819 (2006-present): National counsel defending civil price-fixing class actions regarding static random access memory chips.
- *In Blue Tree Hotels Investment (Canada) Ltd. v. Starwood Hotels & Resorts Worldwide, Inc.*, 369 F.3d 212 (2d Cir. 2004): Successfully argued the appeal before the Second Circuit Court of Appeals, which resulted in the dismissal of alleged antitrust violations against the defendants arising from purported violations of the Robinson-Patman Act.

- Lead litigator for the indenture trustee for \$1.7 billion in notes in the Adelphia bankruptcy proceedings.
- Represented hotel managers and owners in litigations and arbitrations concerning the termination of hotel management agreements.
- Successfully defeated an action seeking injunctive relief and the attachment of the assets of an apparel company.
- Represented an inventor of computer software and business owner in an arbitration arising from the purchase of his business and software.
- Represented a multinational conglomerate corporation in an international arbitration concerning a distribution and licensing agreement.
- Represented an appliance manufacturer in an international arbitration concerning the termination of an exclusive distributorship.
- Represented a cell phone manufacturer concerning its rights under a joint-venture agreement.
- *In Hall v. New York Roadrunners Club*, 99-Civ.-4122 (E.D.N.Y.): Lead counsel for Plaintiffs, a lawsuit brought under the Americans With Disabilities Act in connection with the running of the New York City Marathon. The historic settlement of that lawsuit included equal treatment for wheelchair athletes in the largest spectator event in the world.
- Mr. Brown has made significant contributions to cases that have been reported in the *New York Law Journal*, *New York Times* and *Wall Street Journal*. Mr. Brown has also appeared on CNN, NBC and Court TV.
- Mr. Brown has been a featured speaker at hospitality, antitrust, electronic discovery and other Continuing Legal Education programs.

HONORS

- Rising Star, *New York Super Lawyers*, 2011

MEMBERSHIPS

- Member, President's Committee on Access to Justice, New York State Bar Association
- Hotel Business Review, Editorial Board Member 2009 and 2010
- Member, Antitrust Law Section, New York State Bar Association
- Member, Class Action Committee of the Antitrust Law Section, New York State Bar Association
- American Bar Association, Section of Antitrust
- New York State Bar Association

ARTICLES

- Using Prior Expert Testimony Requires Extra Effort, *New York Law Journal*, July 18, 2011
- Former Student Athletes' Right of Publicity and Antitrust Claims Will Proceed Against the NCAA and Electronic Arts, *Sports Litigation Alert*, June 3, 2011
- In re NCAA Student-Athlete Name and Likeness Licensing Litigation, *Sports Litigation Alert*, March 12, 2010
- Savvy Use of Social Networking Sites, *New York Law Journal*, September 8, 2009
- Judgment Secured: Now What?, *New York Law Journal*, July 20, 2009

- Can Gender Discrimination or Provocative Dress Requirements Ever be Appropriate for Your Employees?, *HotelExecutive.com*, June 1, 2009
- New Hotel Projects May Have No Choice But to Go Green, *Hotel Executive*, April 1, 2009
- Common Legal Issues that Confront Hotel Operators, *HotelExecutive.com*, December 1, 2008
- Condo Hotels As Securities, *HotelExecutive.com*, July 1, 2008
- Arbitrating Hotel Management Agreement Disputes: Beware of "Arbigation", *Hotel Executive.com*, March 1, 2008
- Condo Hotel Explosion Raises New Issues, November 28, 2005

Press Mentions

- Quoted, Facebook E-Discovery Ruling Only Tip Of The Iceberg, *Law360*, June 8, 2010
- Quoted, Apple Is Said to Face Inquiry About Online Music, *New York Times*, May 25, 2010

Antitrust Law Blog Articles

- "Plaintiffs' Failure To Satisfy FTAIA's "Two-Step Dance" Results In Dismissal Of Foreign Purchase Claims", June 3, 2010
- "eBay Auction Sellers' Bid For Class Certification Rejected", April 28, 2010
- "Second Circuit Court of Appeals Rules That Antitrust Complaint Satisfies Twombly Pleading Standards", February 17, 2010
- "Air Cargo Class Action to Proceed -- District Court Overrules *Twombly* Dismissal Recommendation", October 12, 2009
- "The Third Circuit Clarifies the "Rigorous Analysis" Courts Must Apply In Class Certification", February 10, 2009
- "California Court of Appeal Drops The Other Shoe: Pass-on Defense Viable", August 15, 2008
- "Hospital Lacks Antitrust Standing to Pursue Claims Against Johnson & Johnson Where, Pursuant to an Agreement with J&J, Hospital Purchased Products from a Distributor", June 9, 2008
- "Antitrust Class Action Monopolization Claims Against eBay Will Proceed; Tying Arrangement Claims Dismissed", April 7, 2008
- "The Fourth Circuit Court of Appeals Upholds Most of the State of Washington's Regulations on the Sales of Alcoholic Beverages", March 12, 2008

Class Action Defense Strategy Law Blog Articles

- "Second Circuit Rejects \$2 Billion Class Action Award Against The Republic of Argentina", June 8, 2010
- "The United States Supreme Court Rules That Class Arbitration Is Improper When Parties To An Arbitration Agreement Have Not Explicitly Authorized Class Arbitration", May 11, 2010
- "Multimillion Dollar Class Action Settlements Approved In Insurance Brokerage Litigations", October 5, 2009

SPEECHES

- "Back to the Future: Revisiting Class Certification in *In Re: Visa Check/MasterMoney* Antitrust Litigation Under the Standards Enunciated in *In Re: Initial Public Offering Securities Litigation*,"
- ">New York State Bar Association Antitrust Law Section Annual Meeting, January 26, 2012

EVENTS

- Who You Calling An Amateur? Legal Perspectives on the NCAA's Amateurism Rules
- Labor & Employment Law Update: 2010 Year in Review
- Litigating in the Social Networking Era
- Social Networking Websites: The Emerging Litigation Tool
- Managing a Cartel Investigation