



## → Daniel L. Brown

### Partner

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Dan Brown, a partner in the Business Trial Practice Group in the firm's New York office, is the firm's Pro Bono Partner.

### Areas of Practice

Dan's expertise in complex commercial litigation and arbitration covers a wide variety of areas and industries, and includes the defense of individual and class actions. He has successfully brought and defended numerous claims alleging violations of the antitrust laws, New York and New Jersey consumer protection laws, the American's with Disabilities Act, the Anti-Terrorism Act, the employment laws, and for breach of contract, fraud, and breaches of fiduciary duties in many industries, including, but not limited to, hospitality, aerospace, electronics, fashion, jewelry, distribution, self-storage, manufacturing, distribution, retail and banking.

Dan also has unique and valuable litigation and class action expertise as a result of his extensive pro bono work. For example, in *BCID v. Bloomberg*, 11-cv-6690 (S.D.N.Y.), Dan represented and tried a case on behalf of a class of all persons with disabilities in New York City alleging that New York City failed to adequately plan for people with disabilities in emergencies, such as terrorist attacks and hurricanes. Following the liability verdict, the remedy phase was settled with the City agreeing to the most comprehensive disaster plan ever established in the country aimed at improving the lives and safety of nearly 900,000 New Yorkers with disabilities. Judge Jesse Furman remarked, "I agree with plaintiffs' counsel that the settlement is 'nothing short of remarkable' . . . all Americans, not just those with disabilities, will be the better for it . . . The experience of counsel also weighs in favor of approval. The class is represented by . . . Sheppard Mullin Richter & Hampton LLP . . . that experience showed throughout the litigation . . . That is, I can say firsthand that plaintiffs' counsel has zealously and effectively litigated this case, including but not limited to doing a terrific job at trial."

A significant part of Dan's litigation practice involves the representation of large and independent/boutique hotel brand managers, franchisors and owners in various disputes arising from the hotel owner-manager relationship, including litigating high profile cases alleging breach of contract and breach of fiduciary duties, violations of the antitrust laws, and defending against terminations of hotel management agreements, including by "midnight raids." Dan served as trial counsel in cases that set the standards for determining damages in the context of premature terminations of hotel management agreements.

Dan is the recipient of the American Bar Association's 2015 Pro Bono Publico Award, which honors individuals and institutions that have enhanced the human dignity of others by improving or delivering volunteer legal services to our nation's poor and disadvantaged. The ABA's video highlighting Dan's accomplishments is available here: **[Daniel L. Brown Video](#)**

## Honors

Leadership Action Award, Disability Rights Advocates, 2022

Distinguished Leader, New York Law Journal, 2022

Named in "New York Super Lawyers" in Business Litigation, 2016-2022

Named in "New York Super Lawyers" in Antitrust Litigation (2015)

Recipient, ABA Pro Bono Publico Award, *American Bar Association*, 2015

Recipient, New York Impact Litigation Award, in recognition of life changing litigation on behalf of people with disabilities, *Disability Rights Advocates*, 2014

Mr. Brown was a member of the pro bono team at Sheppard Mullin receiving the *2011 Frankel Award* from Human Rights First for their successful representation of Abdalmageed Haroun, a prominent human rights activist and former Sudanese prisoner. In the Sudan, Mr. Haroun's work focused on women's rights, the plight of internally displaced refugees, and the victims of the conflict in Darfur. As a result of his selfless and heroic efforts, Mr. Haroun was detained for months, persecuted, tortured, and threatened with death by the Sudanese government, forcing him to flee the country. The firm represented Mr. Haroun in connection with his application for asylum in the United States.

New York Super Lawyer, *Super Lawyers*, 2014

New York Rising Star, *Super Lawyers*, 2011

## Experience

- *Mason, et al. v. Antioch University, et al.*, 15-cv-05841 (E.D.N.Y.). Obtained pre-answer dismissal of discrimination and fraud claims for lack of personal jurisdiction under New York's long-arm statute.
- *Avalos v. IAC/Interactivecorp. et al.*, 13-cv-08351 (S.D.N.Y.). Obtained pre-answer dismissal of complaint concerning internet dating profiles and asserting claims under the Lanham Act, Copyright Act, RICO statute, and state laws.
- *In re MSR Resort Golf Course, LLC*, 11-10372 (Bankr. S.D.N.Y.) and *In re M Waikiki* (D. HI.). Successfully represented Marriott in two high profile litigations arising from termination of hotel management agreements.
- Defended multiple defendants in claims under the Anti-Terrorism Act, Alien Tort Statute, Torture Victim Protection Act, and common law arising from the September 11, 2001 terrorist attacks. See, e.g. *In re Terrorist Attacks on September 11, 2001*, 714 F. 3d 659 (2d Cir. 2013).
- *Taxis for All Campaign v. Taxi & Limousine Commission*, 11-cv-00237 (S.D.N.Y.). Achieved a historic settlement with New York City In this case challenging the New York City taxicab fleet as not wheelchair accessible, in which the City has agreed to have the New York taxi fleet, which is currently only 1.8% accessible, become 50% accessible over six years.
- *BCID v. Bloomberg*, 11-cv-6690 (S.D.N.Y.). Successfully represented and tried a case on behalf of a class of all persons with disabilities in New York City alleging that New York City has failed to adequately plan for people with disabilities in emergencies.
- *Cohen vs. T Mobile USA, Inc. et. al.*, 10cv02913 (E.D.N.Y.). Obtained a pre-answer and pre-motion dismissal on behalf of T-Mobile USA, Inc. in a case alleging violations of New York General Business Law § 349.

- *Kalimantano GmbH, et. al v. WatchNetwork.com, Twitter Inc., et. al*, 13 -560 (S.D.N.Y.). Successfully represented WatchNetwork.com in case alleging violations of the Anticybersquatting Consumer Protection Act, defamation, damage to business reputation, and invasion of privacy in connection with information on the defendants' websites.
- *Respira Health LLC v. Med Biogene, Inc.*, 650365/2011 (Sup. Ct. NY. Co.). Successfully defended biotech company against lost profits claims arising from alleged breaches of a letter of intent.
- *Banxcorp v. Bankrate Inc.*, 2:07-cv-03398 (D.N.J). Successfully represented LendingTree against antitrust claims.
- 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 computer memory chips.
- *Camofi Master LDC, et al. v. Advanced Cell Technology, Inc.*, Index No. 652816-2011 (N.Y. Sup. Ct. 2013); *Cranshire Capital Master Fund, Ltd.*, 11 Civ. 8755 (DLC)(JCF)(S.D.N.Y. 2012); *Black Mountain Equities, Inc. v. Advanced Cell Technology, Inc.*, 11 Civ. 7305 (PAE) (S.D.N.Y. 2012); *Alpha Capital Anstalt v. Advanced Cell Technology, Inc.*, 09 Civ. 670 (LAK) (S.D.N.Y. 2012). Defended biotechnology company in lawsuits alleging failure to honor convertible note and warrant obligations. Obtained favorable settlement of each lawsuit.
- *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.
- 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.

## Articles

- New Commercial Division Rules Reflect Court's Efficiency Goals  
*New York Law Journal*, 07.13.2015
- Litigating in Bankruptcy Court: Do You Know Where You Are?  
*New York Law Journal*, 09.24.2012
- Two First Department Decisions Adopt 'Zubulake'  
*New York Law Journal*, 04.16.2012
- Using Prior Expert Testimony Requires Extra Effort  
*New York Law Journal*, 07.18.2011
- Former Student Athletes' Right of Publicity and Antitrust Claims Will Proceed Against the NCAA and Electronic Arts  
*Sports Litigation Alert*, 06.03.2011
- "UNITED STATES," International and Comparative Litigation  
*Kluwer Law International*, 2011
- In re NCAA Student-Athlete Name and Likeness Licensing Litigation  
Former Athletes Seek A Share of NCAA Licensing Profit  
*Sports Litigation Alert*, 03.12.2010
- Savvy Use of Social Networking Sites  
Understanding the potential uses of social networking sites should be considered when preparing for litigation  
*New York Law Journal*, 09.08.2009
- Judgment Secured: Now What?  
'Koehler' provides greater New York state access to banks for collection.  
*New York Law Journal*, 07.20.2009
- Can Gender Discrimination or Provocative Dress Requirements Ever be Appropriate for Your Employees?  
*HotelExecutive.com*, 06.01.2009
- New Hotel Projects May Have No Choice But to Go Green  
*Hotel Executive*, 04.01.2009
- Common Legal Issues that Confront Hotel Operators  
*HotelExecutive.com*, 12.01.2008
- Condo Hotels As Securities  
Has the Litigation Boom Begun  
*HotelExecutive.com*, 07.01.2008
- Arbitrating Hotel Management Agreement Disputes: Beware of "Arbigation"  
*Hotel Executive.com*, 03.01.2008
- Condo Hotel Explosion Raises New Issues  
11.28.2005

## Books

- *Cloud Computing Legal Deskbook*, 2013 Edition, Thomson Reuters Westlaw (Author of Chapter on Electronic Discovery)

- Author of a comprehensive chapter on U.S. antitrust and federal civil procedure in *International and Comparative Competition Litigation*, a treatise comparing the competition laws in over 20 jurisdictions worldwide.

## Sheppard Mullin Blog Posts

- "Commercial Division Practice Continues to Shift Towards Federal Standards with Four Proposed Rule Changes," May 4, 2015
- "Monetary Threshold For Commencing Cases In Manhattan's Commercial Division Raised to \$500,000," February 7, 2014
- "Second Circuit Holds that Federal Common Law Prohibits Trading By Insiders of a Cayman Islands Corporation While In Possession of Material Nonpublic Information," February 4, 2014
- "Subpoena of AOL Senior Executive Under the "Apex Rule" Disallowed Absent Special Knowledge," March 6, 2013
- "Court Provides Guidance for Seeking Damages Arising From Trades of Distressed Claims," August 13, 2012
- "Second Circuit Rejects \$2 Billion Class Action Award Against The Republic of Argentina," June 8, 2010
- "Plaintiffs' Failure To Satisfy FTAIA's "Two-Step Dance" Results In Dismissal Of Foreign Purchase Claims," June 3, 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
- "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
- "Multimillion Dollar Class Action Settlements Approved In Insurance Brokerage Litigations," October 5, 2009

## Media Mentions

Sheppard Mullin Aids Deal On Accessible NY Subway Stations  
*Law360*, 07.08.2022

ADA suit over MTA elevator-outages back on track – 2nd Circuit  
*Reuters*, 08.23.2021

Beacon of Justice 2021 Awardees  
*National Legal Aid & Defender Association*, Issue 10

MARATHON; Wheelchair Racers Win the Battle For Own Division  
*New York Times*, January 14, 2000

Ski Pass Co. Chilled By Costs, Not Monopoly, 2nd Circ. Says  
*Law360*, 11.04.2019

MTA Renovations Lack Access For Disabled Riders, Suit Says  
*Law360*, 05.15.2019

Disability Advocates File Class Action, Stepping Up Legal Push for MTA Transit Accessibility  
Following a summary judgment in their favor in March, disability advocates are now pushing for a systemwide decision to force the transit agency to honor federal access requirements.  
*New York Law Journal*, 05.15.2019

InterDigital Accused Of Unfair Terms For Telecom Patents  
*Law360*, 01.03.2019

Satellite Operator Blasts 'Baseless' Challenge To \$1M Award  
*Law360*

Fight to Improve New York City Sidewalks for Disabled Heads to Court  
*New York Daily News*, 10.09.2017

Fight to improve New York City sidewalks for disabled heads to court  
*NY Daily News*, 10.09.2017

Port Chester train upgrades near completion  
*lohud*, 09.20.2017

Disability Advocates Sue MTA Over Subway Elevator Outages  
*New York Law Journal*, 04.26.2017

\$6M in upgrades coming to Port Chester train station  
*lohud*, 02.17.2017

MCC Interview: The Experience of a Lifetime  
*Metropolitan Corporate Counsel*, 11.2015

Marathoner Who Inspired Wheelchair Class Action Returns to Race  
*The American Lawyer*, 10.27.2015

On Dan Brown's pro bono work to make New York more wheelchair accessible  
10.01.2015

ABA Award Recipient Honored to be Attorney for "Heroes"  
*New York State Bar News*, 09.2015

Lawsuit Demands Improved NYC Sidewalks for People With Disabilities  
*NBC New York*, 07.24.2015

After 25 Years of Americans With Disabilities Act, Lawsuit Demands More Must Be Done to Make NYC Sidewalks Accessible  
*NBC New York*, 07.24.2015

EY Says Omnicare May Doom Lehman Fraud Claims  
*Law360*, 04.03.2015

Rye Brook Attorney Files Lawsuit to Compel P.C. Station Accessibility  
*Westmore News*, 01.02.2015

Hospitality Cases To Watch In 2015  
*Law360*, 01.02.2015

Group sues railroad over Port Chester access  
*lohud*, 12.24.2014

City Settles Litigation Over Disaster Preparedness  
*New York Law Journal*, 10.02.2014

New York City to Alter Preparations for Disabled in Disasters  
*New York Times*, 09.30.2014

Judge OKs 'Historic' Deal for Accessible Taxis  
*New York Law Journal*, 09.18.2014

Lawyers Making a Difference: 3 Words to Describe Working on Asylum Cases  
*Human Rights First*, 01.2014

Sheppard Mullin Litigator a Fighter for the Disabled  
*The American Lawyer*, 01.06.2014

City Agrees to Boost Number of Wheelchair-Accessible Taxis  
12.09.2013

NYC Ends Disabilities Suit With Deal To Make Cabs Accessible  
*Law360*, 12.06.2013

Advocates for the Disabled Seek Outside Expert to Examine NYC Disaster-Response Procedures  
*New York Law Journal*, 03.12.2013

Taxi Drivers Celebrate Legal Triumph  
*New York Taxi Workers Alliance*, 12.05.2012

MSR Truce With Marriott Removes Ch. 11 Roadblock  
*Law360*, 02.12.2012

Sheppard Mullin Assists Sudanese Activist Win Asylum  
*New York Law Journal*, 02.10.2012

Facebook E-Discovery Ruling Only Tip Of The Iceberg  
*Law360*, 06.08.2010

Apple Is Said to Face Inquiry About Online Music  
*New York Times*, 05.25.2010

## Speaking Engagements

Maintaining the Attorney-Client Privilege (CLE for private parties)

Antitrust Compliance (CLE for private parties)

Managing a Cartel Investigation (CLE for private parties)

"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

Remote Arbitration Hearings – A View from the Trenches  
Webinar, 10.06.2020

ACC-GNY Seminar  
Retail Practice Group CLE: Best Practices for Retail Counsel  
04.29.2015

Facing a Blizzard of Legal Challenges as In-House Counsel  
Spring 2015 New York Fashion Week  
02.17.2015

Who You Calling An Amateur? Legal Perspectives on the NCAA's Amateurism Rules  
Seton Hall University School of Law -- Room 373; One Newark Center; Newark, New Jersey, 04.20.2011

Labor & Employment Law Update: 2010 Year in Review  
W New York, 11.10.2010

Litigating in the Social Networking Era  
Teleconference 1:00 - 2:30pm, 06.15.2010

Social Networking Websites: The Emerging Litigation Tool  
Strafford Publications, Inc., 11.11.2009



## Memberships

Member, Fordham Law School Public Interest Advisory Council

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

## Podcasts & Webinars

Remote Arbitration Hearings – A View from the Trenches

10.06.2020

## Practices

Litigation

Class Action Defense

Securities Litigation

Antitrust and Competition

International Reach

International Arbitration

Antitrust Counseling and Compliance

Consumer Protection

ESG and Sustainability

International Arbitration

Private Civil Antitrust Litigation

## Industries

ESG and Sustainability

Hospitality

Self-Storage

## Education

J.D., Fordham University School of Law, 1998

B.A. The University of Michigan, 1993

## Clerkships

Intern, the Honorable Michael B. Mukasey, 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