

People



## Donald N. David

Partner, Litigation

New York

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Donald David is a litigator with experience in real estate, entertainment, estates, close corporations and partnerships, intellectual property and financing disputes. His clients include the estate of an internationally known rap artist (as well as other entertainers), the widow of the owner of one of the nation's premier horse stables, numerous nationally known real estate developers, REITs, authors, banks, telecommunications companies, and others. He has been quoted in national media outlets such as New York Magazine, Forbes, People, and Hollywood Reporter.

A veteran trial and appellate attorney, Donald has tried numerous civil matters in both bench and jury trials. He has appeared as trial counsel to other attorneys, as well as working with local counsel. He has been admitted pro hac vice in 32 state and federal jurisdictions. Additionally, he has argued appeals in three federal Courts of Appeal, intermediate appellate courts in New York, Pennsylvania and California, and numerous appeals before the New York Court of Appeals.

Donald spent 32 years associated with New York firms specializing in real estate and, as a result, has a substantial background and knowledge of that area, along with the affiliated area of banking and financial structures. He has represented both developers and financing institutions, not only in litigation, but in restructuring failed financing. In one instance, he represented a developer in connection with a dispute with the board of managers of a newly developed cooperative over various construction issues, only to later be asked to represent the bank against the cooperative corporation when it failed to meet the mortgage payments.

For the first 10 years of practice after graduating from law school, Donald was trial counsel, and then the senior litigator, at a boutique New York City real estate firm that specialized in the area of valuing real property and close corporations. As a result, he has developed an interest in, and affinity for, cases dealing with the valuation of assets. As such, Donald has appeared as special counsel in connection with the valuation of real estate and business assets in

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### Areas of Experience

Litigation  
Appellate  
Commercial Disputes  
Commercial Loan Enforcement and Secured Financing Litigation  
Data Privacy and Security  
Distressed Property  
eDiscovery Services  
Eminent Domain and Property Rights  
Information Governance  
Intellectual Property Litigation  
Real Estate Litigation  
Akerman Bench  
Probate and Fiduciary Litigation  
Sports and Entertainment Law

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### Education

J.D., New York University School of Law, 1972, *cum laude*  
B.A., Rutgers University, 1969, with honors

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### Admissions

#### Bars

California  
Colorado  
New York  
Pennsylvania  
Texas

#### Courts

New York State Supreme Court  
California Supreme Court  
Supreme Court of Pennsylvania  
Colorado Supreme Court  
U.S. Bankruptcy Court, Southern District of New York  
U.S. Bankruptcy Court, Central District of California  
U.S. Court of Appeals, Second Circuit  
U.S. Court of Appeals, Third Circuit

cases where such valuation was relevant to damages, or in several instances in matrimonial matters. In that capacity, he has coordinated with primary counsel, appraisers and opposing counsel, has taken expert depositions and has supervised discovery. In most of those instances, if the matters went to trial, he acted as trial counsel on the separate issue of valuation and/or damages arising out of such valuation.

## Notable Work

**Defamation:** Successfully represented the estate of Tupac in the Eastern District of Pennsylvania in a defamation arising from lyrics included in one of his songs. The defendant appealed the decision, which was ultimately upheld.

**Defamation:** Successfully represented an attorney in a claim of defamation that arose out of the characterization of a plaintiff's claim for damages in a press conference.

**Defamation:** Successfully represented a well-known rapper in a connection with a defamation case against a well-known industry magazine which asserted that lyrics crafted by the artist as a youth were motivated by racism.

**Defamation:** Successfully represented various defendants in cases alleging defamation, both at trial court and appellate court.

**Real Estate Litigation:** Represented Talisman Brookdale LLC in obtaining summary judgment against a plaintiff broker on the ground that the commission sought had not been earned under the terms of the agreement. *Ackman-Ziff Real Estate Group v. Talisman Brookdale LLC*, 119 Misc. 3d 1138 (Sup. Co. NY Co., 2008)

**Appellate Counsel:** Represented an intervenor attorney in reversing the court's sua sponte order barring payment of legal fees that she was contractually entitled to relating to the Tobacco settlement. *State of New York v. Philip Morris Incorporated*, 308 A.D. 2d 57 (1st Dept)

**Real Estate Appeal:** Represented a property owner entitled to relief due to deplorable inequality of assessment in *New York City. Rokowsky v. Finance Administrator of the City of New York*, 41 N.Y.2d 574 (1977)

**Tax Appeal:** Represented a taxpayer entitled to be paid a refund of taxes, despite a claim by the City that the application was untimely. *Brulene Cooperative Apt., Inc. v. Finance Administrator of the City of New York*, 54 N.Y. 2d 826 (1981)

**Tax Appeal:** Represented real property taxpayers and established their right to a City-wide equalization of the tax burden. This case found that the City of New York does not have the right to impose a classified property tax system under the Administrative Code. *Colt Industries v. Finance Administrator*, 54 N.Y. 2d 533 (1982)

**Breach of Contract Appeal:** Represented client in a breach of contract action. The trial court denied judgment notwithstanding verdict (JNOV) after the jury trial granted compensatory damages against Bell Atlantic Corporation, Metropolitan Life Ins. Co., and several subsidiaries for both breach of contract and the torts of civil conspiracy and tortious interference with contractual relations. The court also sustained punitive damages in excess of \$3 million. *Shared Communications Services of 1800-80 JFK Boulevard, Inc. v. Bell Atlantic Properties, Inc.*, 1996 WL 908717, 30 Pa. D. & C.4th 323,

U.S. Court of Appeals, Sixth Circuit  
U.S. Court of Appeals, Ninth Circuit  
U.S. District Court, Northern District of California  
U.S. District Court, Southern District of California  
U.S. District Court, District of Columbia  
U.S. District Court, Eastern District of New York  
U.S. District Court, Northern District of New York  
U.S. District Court, Southern District of New York  
U.S. District Court, Eastern District of Pennsylvania  
U.S. District Court, Eastern District of Texas  
U.S. Supreme Court

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## Related Content

Akerman Partners Named 2025 Lawdragon 500  
Leading Global Entertainment, Sports & Media  
Lawyers  
March 20, 2025

Akerman Partner Donald David Quoted in *Rolling Stone* Representing Tupac Shakur's Sister; Asserts  
Deceased Rapper's Sister is Being Sidestepped by  
Former Producer  
July 29, 2022

Akerman to be Recognized by EastWest Institute for  
Pro Bono Efforts  
November 03, 2020

31 Phila.Co.Rptr. 40 (1996), afd 692 A.2d 570 (1997), appeal denied 555 Pa. 704 (1998)

**Appeal:** Represented client in appeal where the appellate court held that tort actions were properly brought for civil conspiracy and tortious interference for actions taken by a corporate parent to interfere with the contract involving a joint venture of which its subsidiary was a member. *Shared Communications Services of 1800-80 JFK Boulevard, Inc. v. Bell Atlantic Properties, Inc.*, 692 A. 2d 570 (1997)

**Unethical Conduct Appeal:** Represented client in an action between former member of law firm and the firm. The allegations in her papers of unethical conduct by the law firm were not subject to seal or sanctions due to the public interest involved. *Sullivan v. Liapakis*, 290 A.D. 2d 393 (1st Dept 2002)

**Arbitration:** Represented client in arbitration. To attack an arbitration award it is necessary to show “clear and convincing evidence” that a fraud was committed on the arbitration panel. *Gettinger v. Kamber*, 301 A.D. 2d 370 (1st Dept 2003)

**Tobacco Appeal:** Represented client acting on behalf of the intervenor attorney contractually entitled to legal fees in connection with the Tobacco settlement, reversed court’s sua sponte order barring payment of legal fees. *State of New York v. Philip Morris Incorporated*, 308 A.D. 2d 57 (1st Dept)

**Family Appeal:** Represented client in finding that a wife who attempted reconciliation and co-habited for a six-week period after a divorce was commenced did not have to commence a new action, with a new valuation date, when the reconciliation failed. *Haymes v. Haymes*, 252 A.D. 2d 439 (1st Dept 1998)

**Defamation Appeal:** Represented client in finding that there is a common interest privilege among members of a social club that precludes a defamation action, unless malice is shown. *Brockman v. Frank*, 149 Misc. 2d 399 (Sup Ct NY Co, 1991)

**Sexual Harassment Trial:** Represented client in obtaining a jury verdict on behalf of an Executive of the Bradford Construction Company in an alleged sexual harassment case. *Bradford Construction Corp. v. Centeno*, (Supreme Court, State of New York, County of Bronx)

**Telecommunications:** Represented a Shared Tenant Services provider, as successor to a joint venture of AT&T, which had an exclusive contract to control the bridge from the telephone closet at the entrance to the building to the telephone closets and frames located on each floor of the building. Such contract was between the client as assignee of the original contract and the building owner. The matter in dispute involved a determination originally in favor of Sprint determining that the existing contract, which provided for exclusive access to the telephone closet by my client and my client’s control of the bridge between the entrance closet and the closet on the floors. The FCC originally determined that this contract was unenforceable. We caused this to be judicially reversed and the contract to be validated as grandfathered. Subsequently, but not affecting our client, the FCC adopted regulations that prohibited future contracts that were similar in nature.

**Telecommunications:** In addition thereto, we have represented other providers of telecommunications services in various

proceedings before the FCC. In that connection we have filed various position papers dealing with technical issues such as the location and significance of the demarcation point. Please see, for example, Multi-Media Telecommunications Association (MATA), Comments on the 1997 Demarcation Point Order at 1: Shared Communications Systems (SC'S), Comments on 1997 Demarcation Point Order at 2-3.

**Trial:** Represented client after remand from the 3rd Circuit Court granted a renewed motion for summary judgment dismissing a slander per se action for failure to show special harm. *Tucker v. Fischbein*, 205 WL 67076 (E.D. Pa. 2005)

**Real Estate Trial:** Represented client in granting the Defendant summary judgment against the Plaintiff broker on the ground that the commission sought had not been earned under the terms of the agreement. *Ackman-Ziff Real Estate Group v. Talisman Brookdale LLC*, 119 Misc. 3d 1138 (Sup. Co. NY Co., 2008)

**Trial:** Represented client in obtaining a decision denying a motion JNOV by the Defendants seeking to overturn a jury's award of punitive and compensatory damages, inter alia, for tortious interference with contract. *Shared Communications Services of 1800-80 JFK Boulevard, Inc. v. Bell Atlantic Properties, Inc.*, 1996 WL 908717 (1990)

**Trial:** Represented client in obtaining a court award of prejudgment interest of \$788,639.67 and attorneys' fees and costs of \$3,428,301.42. *Shared Communications Services of 1800-80 JFK Boulevard, Inc. v. Bell Atlantic Properties, Inc.*, Court of Common Pleas, Philadelphia Co., October 14, 1999

**Trial:** Represented client in finding that collateral estoppel would be applied in KY to enforce a settlement agreement, even though the prior decision was in a state court proceeding and the pending action was a federal diversity claim. *Pickens v. Paulson*, 2007 WL 4224400 (E.D. Ky. 2007)

**Class Action Trial:** Represented client in a class action finding that the Defendants were not liable under Wiretap Act, Stored Wire and Electronic Communications and Transactional Records Act or Computer Fraud and Abuse Act by reason of placing "cookies" on consumers computers when they visited web site. *In re Pharmatrak, Inc. Privacy Litigation*, 220 F. Supp 4 (USDC MA 2002)

**Entertainment Litigation:** Represented client in dismissal of claims against rap artist Eminem as the assignor of certain copyrights to Shady Records Inc., brought by Source Enterprises. *Shady Records, Inc. v. Source Enterprises, Inc.*, 351 F. Supp. 2d 74 (USDC SD NY 2004)

**Entertainment Litigation:** Represented client in obtaining a sanctions award for civil contempt in not removing infringing materials from a website. *Shady Records, Inc. v. Source Enterprises, Inc.*, 351 F. Supp. 2d 64 (USDC SD NY 2004)

**Entertainment Litigation:** Represented client in obtaining the Plaintiff summary judgment on all issues, including copyright ownership, dismissing all affirmative defenses except fair use, dismissing all counterclaims. *Shady Records, Inc. v. Source Enterprises, Inc.*, 2005 WL 14920 (SDNY 2005)

**Trial:** Represented client in a case where the Plaintiff applied for a certificate of default and the Defendant moved to strike the clerk's

certificate and vacate the Plaintiff's service of complaint and amended complaint, the Defendant's motion to vacate the default and the complaint granted on the grounds that service by Federal Express is not the same as the contractually provided for service registered or certified mail. *Greystone CDE LLP v. Sante Fe Pointe L.P.*, 2007 WL 4230770 (SDNY 2007)

## Published Work and Lectures

- *People*, Quoted, "What's at Stake in Angelina Jolie and Brad Pitt's Divorce," September 21, 2016
- *Hollywood Reporter*, Quoted, "Prince's Estate: No Will Could Mean Chaos, Tax Bills and Lawsuits, Say Experts," April 27, 2016
- *People*, Quoted, "Prince's Estate Likely Worth 'At Least \$250 Million' and Could Stand to Make 'Minimum' of \$100 Million Over the Next Five Years, Expert Says," April 25, 2016
- *Forbes*, Quoted, "For David Bowie and Glenn Fry, Different Paths Loom for a Rich Afterlife," January 21, 2016
- Global Litigation Conference and Exhibition, Panelist, "Wage and Hour Litigation and Collective and Class Actions," 2014

## Honors and Distinctions

- *Lawdragon* 500, 2025, Listed as One of the Leading Global Entertainment, Sports & Media Lawyers for Litigation - Entertainment, Sports, Intellectual Property
- *Super Lawyers* Magazine 2007, 2009-2011, 2013-2019, Listed in New York - Metro for General Litigation, Real Estate, and Entertainment & Sports
- *JD Supra*, Case Listed as Top Ten Business Divorce Cases of 2018
- Law.com, Case Listed as Top Business Divorce Case of 2018
- Order of the Coif, NYU School of Law
- University Scholar, NYU School of Law
- *Review of Law and Social Change*, NYU School of Law, Editor
- Founders Day Award, NYU School of Law, 1971-1972
- American Jurisprudence Award for NY Practice, NYU School of Law, Fall 1971