Daniel S. Weinberger

Partner

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Practice Areas

Business & Commercial Litigation

Banking & Financial Disputes

Contract Disputes

Securities & Shareholder Disputes

Trust & Estate Litigation

Bar Memberships

New York

Florida

Dan is a commercial litigator with over 15 years of litigation experience who draws on his prior experience as a corporate attorney at an international law firm and a law clerk to a federal judge in Washington, D.C. to resolve complex litigations arising throughout the country and internationally.

Dan's varied litigation practice focuses on business litigation and other complex disputes of all types involving companies and high-net-worth individuals. His litigation experience has included representing companies and individuals in the financial services, private equity, healthcare, telecommunications, construction, and transportation industries, among others. He has appeared before New York state courts and federal courts throughout the country and has advised clients and worked with foreign co-counsel in multinational and international matters. Dan has represented public and private corporations, banks, other organizations, and individuals in a wide variety of complex matters, including, for example, claims involving alleged breach of contract; breach of fiduciary duty; alleged violations of state and federal securities laws; the False Claims Act; ERISA; U.S. anti-terrorism laws; the Americans with Disabilities Act; construction law; constitutional law and § 1983 claims; and foreign and domestic trust and estate laws. Dan also has considerable experience litigating claims under 28 U.S.C. § 1782 for discovery in the United States in aid of proceedings abroad.

In addition to his trial litigation practice, Dan has an active appellate litigation practice in both New York state and federal appeals courts, where he has amassed a number of significant victories for his clients, including twice persuading a U.S. appeals court to reverse a federal trial court's dismissal of a multibillion dollar lawsuit over the assets of a foreign estate. A number of Dan's successful appeals have resulted in oft-cited precedential opinions, including in the areas of federal court jurisdiction, venue (*forum non conveniens*), and fiduciary law. Dan also has served as counsel to *amici curiae* in significant federal appeals, including authoring an *amicus* brief to the U.S. Supreme Court.

Other Info About Daniel

Experience

Representative cases for which Dan has served as counsel include matters in which he:

- Served as co-trial counsel for a national healthcare provider in a nationwide class action alleging violations of the Americans with Disabilities Act (ADA) and California's Unruh Act. The case, venued in the United States District Court for the Central District of California and tried in November 2022, is one of very few nationwide ADA discrimination class action matters to proceed through trial.
- Represented an heir in a decade-long, multibillion-dollar international estate litigation comprising cases in various jurisdictions within the United States and abroad, which included prosecuting two successful appeals before the U.S. Court of Appeals for the D.C. Circuit.
- Authored an impactful *amicus* brief to the U.S. Supreme Court on behalf of the client in *Americold Realty Trust v. Conagra Foods, Inc.*, No. 14-1382.
- Co-authored an *amicus* brief to the U.S. Court of Appeals for the Third Circuit in an antitrust suit brought by the FTC to enjoin a hospital merger.

- Represents a private equity investor in a breach of fiduciary duty claim against a fund manager, relating to a diverted investment opportunity in a start-up cryptocurrency company, which has included obtaining for the client multiple appellate victories before the New York Appellate Division, First Department.
- Represented the CFO of a global packaged food producer in defense of securities fraud claims in federal court.
- Represents an affiliate of an international bank in connection with CERCLA claims relating to the clean-up of a landfill Superfund site that allegedly was contaminated several decades ago with radiological material.
- Represented a multinational medical technologies corporation in its defense against alleged New York False Claims Act violations, including successfully defending an appeal of the dismissal of all claims.
- Represented a leading global executive search firm in defense of defamation claims and prosecution of trade secret violations.
- Represented an international transportation company in its defense of a civil rights claim arising from an arrest made by a member of the company's railroad police.
- Represented a computer software company in defense of allegations of fraud relating to a computer equipment lease transaction between one of the company's subsidiaries and an investment fund.
- Defended a financial services company and its principal in a securities fraud action over an investment made by a foreign private equity fund.
- Represented a foreign commercial bank in a $60 million conversion claim relating to the Lehman Brothers bankruptcy.
- Represented the financial wing of a major pharmaceutical company in a securities fraud action against an international bank over its employees' fraudulent scheme to cover up its investment of client funds in auction rate securities backed

by subprime mortgages rather than government-backed securities.

- Defended a national merchant bank and a credit card processing services company against breach of contract and related claims brought by various merchants over the processing of consumer transactions.
- Represented a general contractor in contract disputes relating to significant construction projects in the New York City area.

Relevant Published Decisions:

- *Hsu v. New Mighty U.S. Trust*, No. 10-1743, 2020 WL 588322 (D.D.C. Feb. 6, 2020)
- *State of New York ex rel. Cavallino Consulting, LLC v. Stryker Corporation*, 200 A.D.3d 594 (1st Dept. 2021)
- *Shatz v. Chertok*, 188 A.D.3d 431 (1st Dept. 2020), *lv to appeal denied*, 37 N.Y.3d 903 (June 3, 2021), *lv to reargue denied*, 37 N.Y.3d 1047 (Oct. 14, 2021)
- *Shatz v. Chertok*, 180 A.D.3d (1st Dept. 2020)
- *Shi v. New Mighty U.S. Trust*, 918 F.3d 944 (D.C. Cir. 2019), *rehearing en banc denied*, Apr. 23, 2019, *cert. pet. denied*, 140 S. Ct. 435 (Oct. 21, 2019)
- *Wang v. New Mighty U.S. Trust*, 322 F.R.D. 11 (D.D.C. 2017)
- *Wang v. New Mighty U.S. Trust*, 843 F.3d 487 (D.C. Cir. 2016), *cert. pet. denied*, 137 S. Ct. 2266 (June 19, 2017)
- *Narainasami v. City of New York*, No. 15788/09, 2018 WL 4352831, 2018 N.Y. Slip Op. 32164(U) (Aug. 21, 2018)
- *George v. CSX Transp., Inc.*, No. 13-CV-2317, 2014 WL 298275 (E.D.N.Y. Jan. 28, 2014)

Education

George Washington University Law School, J.D., with honors

- George Washington Scholar
- Thurgood Marshall Scholar

- Member, *The George Washington International Law Review*

Duke University, B.A.

Clerkships

Law clerk to the Honorable Rosemary M. Collyer, United District Court for the District of Columbia, 2008-2009

Judicial intern to the Honorable Rosemary M. Collyer, United District Court for the District of Columbia, 2003

Judicial intern to the Honorable Vanessa Ruiz, District of Columbia Court of Appeals, 2003

Courts

United States District Court for the Southern District of New York

United States District Court for the Eastern District of New York

United States District Court for the District of Columbia

United States Court of Appeals for the District of Columbia Circuit

United States Court of Appeals for the Second Circuit

Supreme Court of the United States

Recognition

Included on the *New York Metro Super Lawyers Rising Stars* list, Business Litigation, 2014-2016

Featured Articles

No Blanket Immunity on the Battlefield: Supreme Court Rejects Broad Preemption of State Tort Claims Against Military Contractors

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