

David W. Schechter

Partner



dschechter@millerbarondess.com

310.552.7567

Education

J.D., University of Pennsylvania Law School

B.A., Yale University

Clerkship

Honorable Marilyn L. Huff, U.S. District Court,
Southern District of California

Admissions

California

Biography

David Schechter is a litigator and trial lawyer who handles complex business, entertainment and intellectual property disputes. David has substantial experience with jury and bench trials in state and federal courts in California, and has represented clients in numerous appeals in the U.S. Supreme Court, Ninth Circuit Court of Appeals and California Courts of Appeal. He also has significant experience representing high-profile artists, entertainers and athletes, including Mötley Crüe, Smokey Robinson, Nile Rodgers, NBA players and PGA tour professionals.

David has an excellent track record of getting results for his clients. Recently, he was lead trial counsel for Relator Brian Markus in the high-profile False Claims Act case *United States, ex rel. Brian Markus v. Aerojet Rocketdyne Holdings, Inc., et al.*, which Bloomberg Government called one of the top five federal contracts cases to watch. The case settled during trial on April 27, 2022, with defendants agreeing to pay \$9 million to settle the False Claims Act claim and to pay additional confidential amounts for attorneys' fees and to resolve a separate dispute between the parties.

Prior to joining Miller Barondess, David was a litigation associate at Jones Day and served as a law clerk to the Honorable Marilyn L. Huff in the United States District Court for the Southern District of California.

David received his Juris Doctorate from the University of Pennsylvania in 2010, where he was a senior editor of the University of Pennsylvania Law Review. During law school, David played professional lacrosse for the Philadelphia Barrage in the MLL. David received his Bachelor of Arts in Economics from Yale University in 2006.

Notable Representations

Entertainment Cases

- Defending Smokey Robinson in the breach of management agreement case *Podwall v. Robinson* (C.D. Cal. Case No. 16-cv-06088-ODW (AGRx)); jury trial set for September 2022.
- Defended Mötley Crüe, Live Nation and other parties against claims of copyright infringement in *Zlozower, et al. v. Mötley Crüe Inc., et al.* (SDNY Case No. 16-cv-6950 (LTS) (RLE)); filed summary judgment motions to dismiss the claims on various grounds, including lack of copyright standing; settled the case favorably on the eve of the summary judgment hearing.
- Representing Weather Group and Entertainment Studios Networks against The Nielsen Company, alleging that Nielsen fraudulently concealed the flaws with its television ratings service.
- Defended music management company and high-profile heavy metal band in litigation brought by the band's record label; case settled favorably after deposition of former record label's president.
- Represented the producers of the Netflix documentary film *White Hot: The Rise & Fall of Abercrombie & Fitch* in pre-litigation matters; successfully resolved the intellectual property and contractual disputes to allow the film to be made and released.
- Represented the producer and owner of the documentary film *Hired Gun* in litigation to protect intellectual property and contractual rights; successfully settled the case after filing a hard-hitting complaint in the Central District of California.
- Defended high-profile musician and songwriter against breach of fiduciary duty and breach of contract claims in New Jersey state court; case settled favorably on eve of summary judgment.
- Represented estate of high-profile composer, songwriter and musician Michael Kamen to pursue breach of fiduciary duty claims against large financial institutions for mishandling trusts set up for the benefit of his family; successfully settled claims before litigation.

Business Litigation

- Representing minority shareholder against inside directors and officers in \$50 million fraud, breach of fiduciary duty and conversion case pending in Los Angeles Superior Court.
- Represented venture capital firm pursuing direct and derivative claims against executives and directors of a once promising bio-technology firm; settlement proceeds exceeded \$1 million.
- Defended high net worth individual sued for alleged non-payment of a \$30 million promissory note.
- Prosecuted breach of fiduciary duty and conversion claims on behalf of the owner of commercial real property valued in excess of \$50 million against minority owner and operator who made several unauthorized withdrawals.
- Represented investment advisors accused of breaching non-compete and non-solicitation provisions in the operating agreement and employment agreements; after a two-week arbitration,

the arbitrator found that the restrictive covenants were void and unenforceable, and awarded our clients over \$90,000 in costs as the prevailing party.

- Represented a private air charter company whose aircraft was damaged in a three-plane ground collision; obtained a \$2,464,560 jury verdict.
- Prosecuted a \$10 million breach of contract action on behalf of a major golf equipment manufacturer against a packaging vendor; reached a favorable settlement on the eve of deposing the vendor's president and CEO.
- Defended a leading social media company against products liability claims related to its video filtering technology; reached favorable settlement in mediation.
- Defended a jewelry design company in trademark litigation brought by the client's licensor; defeated the licensor's motion for a preliminary injunction.
- Prosecuted a \$1 million breach of contract and fraud action on behalf of a major retailer against a gift card supplier; reached a favorable settlement in mediation.
- Prosecuted a legal malpractice action on behalf of a major Los Angeles private equity and real estate firm against the clients' prior litigation attorneys who mishandled a \$50 million arbitration and then suddenly withdrew on the eve of the arbitration hearing; defeated the defendants' summary adjudication motion; the case settled favorably prior to trial.

Government Litigation

- Lead trial lawyer for Relator Brian Markus asserting claims on behalf of the United States for violations of the False Claims Act against Aerojet Rocketdyne; case settled during trial.
- Defended the County of Los Angeles in a federal class action lawsuit brought by children and young adults in the County's foster care system; filed motion to vacate 17-year old consent decree; case settled favorably thereafter.
- Representing the California Department of Toxic Substances Control to resolve disputes regarding the cleanup of the Santa Susana Field Laboratory.
- Represented the County of Los Angeles in litigation against Southern California Gas Company in connection with the Aliso Canyon/Porter Ranch gas leak; successfully opposed SoCal Gas' motion to dismiss the case on preemption grounds; assisted other litigators in the firm to prosecute the case, which resulted in a \$119.5 million settlement.

Civil Rights Litigation

- Represented African American-owned media company against Comcast Corporation and Charter Communications alleging violations of 42 U.S.C. § 1981 for racial discrimination in contracting; obtained favorable, precedential Ninth Circuit decisions supporting the viability of the claims; lead brief writer in the U.S. Supreme Court on the issue of what causation standard applies to section 1981 claims; both cases settled favorably after cases remanded to the federal district court.
- Representing African American-owned media companies against McDonald's alleging violations of 42 U.S.C. § 1981 for racial discrimination in contracting.

- Represented victim of police shooting in high-profile federal civil rights case in the Southern District of California; successfully opposed the City of San Diego's petition for certiorari; case settled on the eve of trial with the City agreeing to pay \$3 million.
- Represented a sexual assault victim in litigation against the City of Los Angeles and two former officers in its police department; obtained favorable settlement.

Honors and Awards

- Best Lawyers in America: ONES TO WATCH[™]
Recognized in Entertainment and Sports Law (2024)