



David N. Cinotti

PARTNER

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PRACTICE AREAS

Litigation

Appellate Advocacy

Securities Regulatory Enforcement & Litigation

Bankruptcy, Restructuring & Creditors' Rights

Criminal Defense

Business Divorce & Ownership Disputes

Local Counsel

EDUCATION

B.A., College of the Holy Cross, 2000,
summa cum laude

J.D., Georgetown University Law Center,
2003, *magna cum laude*, *Order of the Coif*

LANGUAGES

Italian

David Cinotti focuses his practice on commercial litigation, international and domestic arbitration, and appellate litigation. Clients and other lawyers alike turn to David for his ability to develop litigation strategies and get quickly to the heart of the dispute in complex commercial matters across a wide variety of industries. Before joining Pashman Stein Walder Hayden, David worked at Venable LLP and Wilmer Cutler Pickering Hale and Dorr LLP. In addition, he served as a law clerk to the Honorable Joseph M. McLaughlin of the U.S. Court of Appeals for the Second Circuit and the Honorable Richard Conway Casey of the U.S. District Court for the Southern District of New York. His federal-court experience is an asset to his commercial clients, which range from global companies to businesses based in New Jersey. Lawyers from out-of-state firms regularly bring David into sophisticated litigation matters that are venued in New Jersey or New York.

David represents clients in the financial services, hospitality, e-commerce, real-estate, and healthcare industries, among others. His cases typically involve complex legal analysis and motion practice, as well as large volumes of electronic discovery. His diverse experience includes matters involving bankruptcy litigation, RICO and fraud claims, data privacy, breach of contract, business torts, unconstitutional treatment of property rights, cross-border and multi-jurisdictional issues, and white-collar criminal law.

In David's Words:

"Before joining Pashman Stein, I worked at AmLaw 100 firms in New York for almost 10 years. Pashman Stein has the same deep commitment to client service and excellence as those larger firms, along with a dedication to our communities. My colleagues are some of the best lawyers with whom I've practiced, and it is a privilege to work with them."

Representative Matters

- Representing a liquidating trustee appointed by a federal bankruptcy court on an appeal to the New Jersey Appellate Division concerning more than \$200 million in claims against the corporate parents and affiliates of an insolvent entity relating to environmental liabilities for pollution of the Passaic River.
- Represented physicians in a federal RICO suit brought by an insurance carrier alleging that the physicians submitted fraudulent claims under automobile-insurance policies. The case involved complex issues relating to the interaction of federal and New Jersey law and the regulation of no-fault insurance policies in New Jersey.
- Represented five international banks in defense of petition under 28 U.S.C. 1782 to obtain discovery for use in foreign arbitration and litigation proceedings relating to dispute concerning ownership of Brazilian entity.
- Represented developers in federal constitutional litigation against New Jersey municipalities. One case concerned allegations that the municipality abused its eminent-domain power for corrupt purposes and was widely covered by national and local media; the other case concerned allegations that the municipality abused its power to exact unlawful concessions from our client.
- Serving as local counsel to a publicly traded company in a federal antitrust and trade-secrets dispute in the life-sciences data industry concerning hundreds of millions of dollars in alleged damages.

- Represented a hedge fund against the trustee and securities administrator of a residential mortgage-backed securities (“RMBS”) trust before the New York Appellate Division, First Department. The case concerned an issue of first impression—whether a no-action clause that requires securities-holders in an RMBS trust to obtain the permission of their fellow securities-holders before suing applies to claims seeking to enforce the right to receive payment on the securities.
- Represented the liquidator of an insolvent Swiss financial-services company in bankruptcy litigation under Chapter 15 of the Bankruptcy Code against U.S., U.K., and Korean financial institutions. The case involved a dispute as to whether U.S. and Swiss bankruptcy law permitted some of the defendants to set off amounts owed the plaintiff under ISDA Master Agreements governing derivatives transactions against amounts that the plaintiff and one of its affiliates owed to another defendant under different ISDA Master Agreements.
- Represented a Latin American State in two investment-treaty arbitrations before arbitral tribunals and an annulment committee at the International Centre for Settlement of Investment Disputes (ICSID). The case involved allegations that the State violated bilateral investment treaties by failing to pay the claimants for custom-inspection services.
- Represented an international hotel-management company in a contract dispute with a hotel owner raising issues of first impression under New York law concerning the hotel owner’s right to terminate the management company without cause on the theory that the management agreement was a personal-services contract. Successfully argued interlocutory appeal to the New York Appellate Division, First Department, resulting in dismissal of a trespass claim against the management company.
- Co-wrote motion to dismiss, appellee brief to the U.S. Court of Appeals for the Third Circuit, and opposition to certiorari petition to U.S. Supreme Court resulting in dismissal of computer-privacy claims in multidistrict litigation against digital-advertising company. The plaintiffs claimed that the defendants violated federal criminal statutes when they allegedly circumvented browser privacy settings to place cookies on the plaintiffs’ devices.

Reported Decisions

- *Solomon Schechter Day School of Bergen County v. C&A Benefits Group LLC*, Civ. No. 2:20-cv-1122 (WJM), 2021 WL 1573843 (D.N.J. Apr. 22, 2021)
- *In re Application of Atvos Agroindustrial Investimentos S.A. Under 28 U.S.C. 1782*, 481 F. Supp. 3d 166 (S.D.N.Y. 2020)
- *615 River Road Partners, LLC v. Borough of Edgewater*, Civ. No. 2:17-12659, 2019 WL 1930755 (D.N.J. Apr. 30, 2019)
- *Anato Opportunity Fund I, L.P. v. Wells Fargo Bank, N.A.*, 153 A.D.3d 1161 (1st Dep’t 2017)
- *In re Google Inc. Cookie Placement Consumer Privacy Litigation*, 806 F.3d 125 (3d Cir. 2015), *cert. denied*, 137 S. Ct. 36 (2016)

- *Aircraft Services Resales LLC v. Oceanic Capital Co.*, 586 F. App'x 761 (2d Cir. 2014)
- *Eden Roc, LLLP v. Marriott International, Inc.*, 116 A.D.3d 486 (1st Dep't 2014)
- *SGS Société Générale de Surveillance S.A. v. Republic of Paraguay*, ICSID Case No. ARB/07/29, Decision on Annulment (May 19, 2014), Award (Feb. 10, 2012)
- *Collins v. Oilsands Quest Inc.*, 484 B.R. 593 (S.D.N.Y. 2012)
- *Bureau Veritas, Inspection, Valuation, Assessment and Control, BIVAC B.V. v. Republic of Paraguay*, ICSID Case No. ARB/07/9, Further Decision on Objections to Jurisdiction (Oct. 9, 2012)
- *Colliers ABR, Inc. v. Famurb Co.*, 101 A.D.3d 409 (1st Dep't 2012)
- *Alliance for Open Society International, Inc. v. USAID*, 254 F. App'x 843 (2d Cir. 2007)

Honors & Awards

Selected for inclusion in the list of:

- New Jersey Super Lawyers, 2022
- New York Super Lawyers, Rising Star, 2011-2017

The Super Lawyers list is issued by Thomson Reuters. A description of the selection methodology can be found at http://www.superlawyers.com/about/selection_process.html.

The Rising Stars list is issued by Thomson Reuters. A description of the selection methodology can be found at http://www.superlawyers.com/about/selection_process.html.

No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Community & Professional Associations

- Association of the Federal Bar of New Jersey
- New York City Bar Association, Federal Courts Committee
- Cento Amici
- Former Adjunct Professor, Seton Hall University School of Law
- Former Expert for Permanent Observer Mission of the Holy See to the United Nations

Bar Admissions

New York

New Jersey

Court Admissions

U.S. Supreme Court

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Third Circuit

U.S. District Court, District of New Jersey

U.S. District Court, Southern District of New York

U.S. District Court, Eastern District of New York

U.S. District Court, Eastern District of Michigan