

**Practice Areas**

- Litigation
- Intellectual Property
- Entertainment, Media and Communications
- Digital Media
- Investment Management Group

**Education**

- J.D., University of Pennsylvania Law School, 1994 (Cum Laude)
- B.A., University of Pennsylvania, 1991

**Bar Admissions**

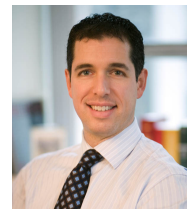
- New York (1995)
- New Jersey (1994)
- United States District Courts for the Northern (1996), Southern (1997) and Eastern (2002) Districts of New York and the District of New Jersey (1995)

**David C. Rose**

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David C. Rose has been a partner in Pryor Cashman's Litigation Group since 2003. He represents and counsels clients in all aspects of complex corporate, real estate, entertainment industry and estate litigation from inception through trial.

Mr. Rose's areas of focus include disputes involving hedge and private equity funds, complex real estate matters, motion picture financing, copyrights, trademarks and music recording contracts. His skills and insight as a trial attorney and advisor are sought by a broad base of investment management firms, real estate firms, entertainment companies and high net worth individuals and family groups dealing with significant contested matters calling for a practical, business-oriented resolution if possible, but requiring the capability to take a case to trial if necessary.

In assisting clients to achieve their economic objectives, Mr. Rose also provides prospective litigation analysis for clients structuring transactions, counseling them regarding ways to minimize the risk and impact of litigation on their deals.

The following are recent representative examples of Mr. Rose's work and engagements:

**Commercial Litigation**

- Represented retail-focused private equity fund in litigation concerning subordinated debt investment in portfolio company
- Advised asset management firm regarding its rights and interests in connection with a multi-debtor bankruptcy proceeding in the motion picture industry
- Successfully represented director of U.K.-based company (publicly traded in U.S.) in proxy contest for control of company and in parallel federal court litigation asserting, among other claims against him, violations of U.S. securities laws and computer privacy laws; obtained control of the company for the director and a slate of insurgent directors and dismissal of all claims
- Engaged as Special Litigation Counsel to the New York County Public Administrator to locate and recover property for the estate of a world renowned artist and art collector
- Represented publically traded mining company in dispute regarding purchase of mining interests in Chile

- Representing individuals and entities who were victims of Bernard Madoff fraud and target of Madoff Trustee clawback actions

### **Real Estate Related Matters**

- Obtained settlement valued in excess of \$15 million on behalf of branch of prominent New York real estate family in intra-family dispute
- Represented asset management firm in litigation regarding its real estate investment platform
- Represented asset management firm holding senior mortgage on high-profile property in dispute with mezzanine lender
- Represented national real estate developer in connection with Lehman Bros. bankruptcy
- Counseled real estate investment and development company regarding litigation affecting property it was considering purchasing
- Represented major New York metropolitan retailer in multiple litigations with property owners regarding sophisticated lease and buildout issues in landmarked and high profile Manhattan locations
- Counsel to boards of managers of Manhattan condominiums in multifaceted economic and construction dispute with condominium sponsors

### **Entertainment/Intellectual Property Litigation**

- Obtained \$4.3 million dollar judgment for international motion picture distribution company
- Successfully represented internationally renowned record producer and songwriter in multiple litigations concerning permitted scope of use of sound recordings and royalties to be paid for such use, obtaining a landmark contract and intellectual property law ruling from New York's highest court
- Represented major music publishing company as plaintiff in federal class action regarding alleged use by record clubs of musical compositions without having obtained statutory compulsory licenses
- Represented major recording and music publishing companies, major recording artist, songwriters and motion picture company in action asserting copyright infringement and related claims with respect to one of the most popular songs of the past decade and the song from which it was derived
- Obtained dismissal of case brought against major record and music publishing companies and others claiming producer royalties on album by major recording artist
- Obtained judgment in favor of major motion picture company enforcing its trademark rights
- Obtained judgment and award of attorneys' fees in favor of apparel manufacturer enforcing its trademark rights
- Obtained summary judgment dismissing all claims asserted against major motion picture actor

## **Publications**

- Author, *Searching for the Comfort Zone: Issues Related to the Perfection of Security Interests in Trademarks in International Commercial Transactions*, 15 U. Pa. J. Int'l Bus. L. 137 (1994).

## **Professional Affiliations**

- American Bar Association, Member, Litigation Section and Forum on the Entertainment & Sports Industries
- Past Member of the Executive Committee of the New York State Bar Association, Section of Entertainment, Arts and Sports Law (Co-Chair Litigation Committee)

## **Other Activities**

- The American Jewish Committee: National Executive Committee (2011); National Legal Committee; Shalom Comay Fellow (2007-08); Executive Committee and Board Member of New York Regional Office
- UJA-Federation of New York, Member of Music For Youth Executive Committee

## **News**

- Pryor Cashman Obtains Major Victory in Post-Roberts Class Action Lawsuit Over Lenox Terrace Apartments
- Partner David Rose Speaks To Crain's New York Business About Stuyvesant Town/Peter Cooper Village Litigation
- Pryor Cashman Wins \$4 Million Award for German Film Distributor VCL Communications GmbH
- Pryor Cashman Obtains Dismissal of All Claims Brought Against Actor George Clooney in Three Personal Injury Actions
- Pryor Cashman Defeats Motion to Dismiss Made by Law Firm in Malpractice Case