



David G. Ebert
Retired Partner
Commercial Litigation

Profile

Now retired, the accomplished trial lawyer and problem solver, David Ebert has had extensive experience litigating, trying—and resolving—complex commercial matters in state and federal courts, as well as before mediation and arbitration tribunals in New York and around the country.

Among the many types of cases he litigated, David handled matters relating to intellectual property, licensing, telecommunications, trade secrets, patent licensing and infringement, advertising, manufacturing, confectionaries, business fraud, lawyer and accountant professional liability defense, misappropriation of ideas, unfair competition, defamation, employment discrimination and wrongful termination, restrictive covenants and real estate.

David is a co-founder of The Animal Defense Partnership (www.animaldefensepartnership.org), a non-profit that provides pro bono legal services to animal rights, welfare and protection organizations and advocates.

Admissions

- United States Supreme Court
- United States Court of Appeals for the Second Circuit
- United States District Court for the Southern and Eastern Districts of New York
- New York State Bar

Education:

- J.D., New York University
- B.A., University of Pennsylvania

Representative Matters

- Jonathan Cohen, et al. v. G & M Realty, et al., 2013 WL 6172732 (No. 13-CB-5612 (E.D.N.Y. 2013). (Representing owner of 5Pointz—the former site of the largest collection of exterior graffiti and aerosol art in the United States—in action brought by artists claiming works on owner’s building were protected from demolition under the Visual Artist Rights Act.)
- The Topps Co., Inc. v. Cadbury Stani, S.A.I.C., 526 F.3d 63, 68–72 (2d Cir. 2008). (Theft of trade secrets, unfair competition, fraudulent inducement and breach of licensing

agreement for the manufacturer of Topps' iconic Bazookabubble gum.)

- Topps Co., Inc. v. Cadbury Stani S.A.I.C., 380 F.Supp.2d 250, 2005 WL 1805992, S.D.N.Y., August 02, 2005 (No. 99 Civ. 9437 (CSH).)
- Topps Co., Inc. v. Cadbury Stani S.A.I.C., 2002 WL 31014833, S.D.N.Y., September 10, 2002 (No. 99 Civ. 9437(CSH) (GWG).)
- Topps Co., Inc. v. Gerrit J. Verburg C, 961 F.Supp. 88, 1997 WL 208392, 42 U.S.P.Q.2d 1943, S.D.N.Y., April 28, 1997 (No. 96 Civ. 7302(RWS). (Unfair competition and trademark infringement of Topps' Ring Pop candy—rendered by Judge Sweet.)
- Brooks ex rel. Estate of Bell v. The Topps Co., Inc., Slip Copy, 2007 WL 4547585, S.D.N.Y., December 21, 2007 (No. 06 CIV. 2359 (DLC).) (Violation of right of publicity of Negro League legend James “Cool Papa” Bell.)
- Metromedia Co. v. Fugazy, 753 F.Supp. 93, 1990 WL 208812, Fed. Sec. L. Rep. P 95,654, RICO Bus.Disp.Guide 7639, S.D.N.Y., December 05, 1990(Nos. 87 Civ. 2597 (RLC), 89 Civ. 1185 (RLC).) (Fraud, RICO, fraudulent inducement, negligent misrepresentation and breach of warranty claims against former limousine magnate, Bill Fugazy)
- Kluge v. Fugazy, 1990 WL 251221, S.D.N.Y., December 28, 1990 (No. 89 Civ.5927 (RPP).)
- Kluge v. Fugazy, 739 F.Supp. 939, 1990 WL 91795, S.D.N.Y., June 27, 1990 (No. 89 Civ. 5927 (RPP).)
- Novo Nordisk A/S v. Pfizer Inc., 06 Civ. 5819 (LBS), 2006 WL 3714312 (S.D.N.Y. December 14, 2006). (Patent Infringement.)
- In re Enron Corp., 2006 WL 898033, Bkrcty. S.D.N.Y., March 24, 2006 (No. 01 B 16034(AJG).) (Adversary proceeding.)
- Carroll v. U.S., 339 F.3d 61, 2003 WL 21791235, 92 A.F.T.R.2d 2003-5650, 2003-2 USTC P 50,608, C.A.2 (N.Y.). (Federal tax dispute.)
- Carroll v. C.I.R., C. Memo. 2000-184, 2000 WL 805222, 79 T.C.M. (CCH) 2139, T.C.M. (RIA) 2000-184, 2000 RIA TC Memo 2000-184, U.S.Tax Ct., June 23, 2000 (No. 19403-89.)
- Briarpatch Ltd., L.P. v. Geisler Roberdeau, Inc., 194 F.Supp.2d 246, 2002 WL 461584, S.D.N.Y., March 26, 2002 (Nos. 99 CIV 9623 RWS, 01 CIV 4767 RWS, 01 CIV 8564 RWS.) (Copyright infringement action against former New York Film Commissioner and Line Producer for several Woody Allen films.)

- Schulman v. Levy, Sonet& Siegel, 302 A.D.2d 321, 754 N.Y.S.2d 876, 2003 WL 549422, 2003 N.Y. Slip Op. 11466, N.Y.A.D. 1 Dept., February 27, 2003 . (Law partnership dispute.)
- Schulman v. Levy Sonet& Siegel, 276 A.D.2d 384, 714 N.Y.S.2d 676, 2000 WL 1543554, 2000 N.Y. Slip Op. 08842, N.Y.A.D. 1 Dept., October 19, 2000
- Marine Midland Bank v. Phoenix Investments Intern. Inc., 254 A.D.2d 48, 678 N.Y.S.2d 601, 1998 WL 697253, 1998 N.Y., N.Y.A.D. 1 Dept., October 06, 1998 (Bank fraud.)
- Page v. Muze, Inc., 270 A.D.2d 401, 705 N.Y.S.2d 383, 2000 WL 294969, 2000 N.Y. Slip Op. 02646, N.Y.A.D. 2 Dept., March 20, 2000 (Breach of oral employment agreement and fraud.)
- Page v. Muze, Inc., 253 A.D.2d 744, 677 N.Y.S.2d 486, 1998 WL 621428, 1998 N.Y. Slip Op. 07696, N.Y.A.D. 2 Dept., September 14, 1998
- 1056 Sherman Ave. Associates v. Guyco Const. Corp., 261 A.D.2d 519, 690 N.Y.S.2d 657, 1999 WL 333372, 1999 N.Y. Slip Op. 04732, N.Y.A.D. 2 Dept., May 17, 1999 (Real estate partnership dispute.)
- Herman Miller, Inc. v. Thom Rock Realty Co., L.P., 1995 WL 366371, S.D.N.Y., June 19, 1995 (No. 92 Civ. 2125 (RWS). (Breach of lease restrictive covenant.)
- Herman Miller, Inc. v. Thom Rock Realty Co., L.P., 46 F.3d 183, 1995 WL 32011, , C.A.2 (N.Y.), January 24, 1995 (Nos. 778, 890, Dockets 94-7586, 94-7618.)
- Herman Miller, Inc. v. Thom Rock Realty Co., L.P., 849 F.Supp. 911, 1994 WL 151665, S.D.N.Y., April 22, 1994 (No. 92 Civ. 2125 (RWS).)
- Herman Miller, Inc. v. Thom Rock Realty Co., L.P., 819 F.Supp. 307, 1993 WL 113680, S.D.N.Y., April 09, 1993(No. 92 Civ. 2125 (RWS).)
- Smith and Thompson Architects v. Town of East Hampton, 201 A.D.2d 478, 607 N.Y.S.2d 140, 1994 WL 34966, N.Y.A.D. 2 Dept., February 07, 1994 (Airport design contest.)