



DAVID T. MARTIN

Background

David T. Martin is a Principal in Cummings & Lockwood's Litigation Group and is based in the Stamford office.

Dave's practice focuses on complex commercial litigation in both state and federal courts. Dave is the author and general editor of the *LexisNexis Practice Guide: Connecticut Contract Litigation*. He is listed in *The Best Lawyers in America* for Commercial Litigation as well as in *Connecticut and New England Super Lawyers* as a Rising Star in Business Litigation.

He has represented business entities and individuals in a wide variety of matters, including contract disputes, shareholder and partnership disputes, unfair trade practices and trade secrets litigation, non-compete matters, financial services litigation, franchise disputes, fiduciary and beneficiary litigation, creditors' rights, intellectual property matters and tax and real property litigation. A list of his representative matters can be found here.

In his spare time, Dave enjoys watching baseball and writing about it from an analytics perspective. He has been published in multiple editions of the *Baseball Forecaster*. In 2013, the Fantasy Sports Writers Association awarded him the Fantasy Baseball Article of the Year, Print.

Practice Areas

- Litigation Group
- Business and Commercial Litigation
- Closely-Held Business Litigation
- Real Property and Environmental Litigation
- Employment Litigation
- Trusts and Estates Litigation
- Bankruptcy and Creditors' Rights
- Tax Controversy and Litigation
- Appellate Litigation
- Family Office and Closely Held Business Group

Education

- University of Pennsylvania (B.A., *summa cum laude*) Phi Beta Kappa



David T. Martin

Principal

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CUMMINGS & LOCKWOOD LLC

- Fordham University School of Law (J.D.)

Bar Admissions

- Connecticut
- New York
- United States District Court, District of Connecticut
- United States District Court, Southern District of New York
- United States Court of Appeals, Second Circuit
- United States Tax Court

Professional Organizations

- The Raymond E. Baldwin American Inn of Court
- Fairfield County Bar Association
- University of Pennsylvania Alumni Secondary Committee of Fairfield County

Professional Recognition

- The Best Lawyers in America, 2019 - Present
- Connecticut and New England Super Lawyers, Rising Star in Business Litigation, 2016 - Present

Articles/Publications/Presentations

- Domicile Audit and Appeals
- LexisNexis Practice Guide: Connecticut Contract Litigation, 2019 Edition
- Hedge Fund Managers Must Exercise Restraint in Deploying Indemnification Provisions, *The Hedge Fund Law Report*, November 19, 2015, Volume 8, Number 45

Matters

- Obtained trial damages in excess of \$5.8 million on behalf of hedge fund in a breach of fiduciary duty action brought against the fund's investment advisor and general partner
- Obtained trial damages in excess of \$4.3 million in debt action concerning complex questions of the negotiability of the applicable documents under the U.C.C.
- Obtained a \$5 million arbitration award for a client in a life insurance trust beneficiary dispute
- Successfully defended a Connecticut University in arbitration against a seven figure damages claim brought by a cellular services entity for an alleged failure to extend a license agreement. The Arbitration Award was subsequently upheld by the Connecticut Superior Court
- Obtained a jury trial verdict in client's favor in excess of \$1 million for damages caused by an independent contractor to client's commercial property
- Obtained land use trial court judgment in real estate developer's favor, overruling the decision of the Stamford Board of Representatives which had wrongfully assumed jurisdiction over an invalid protest petition and used an improper definition of "landowner" in determining the number of petition signatories
- Obtained land use trial court judgment in real estate developer/private equity firm's favor, holding that the Stamford Board of Representatives wrongfully rejected a land use category change previously approved by the City's Planning Board
- Obtained \$1.9 million in damages on a motion for summary judgment in federal court action for breach of a software financing agreement

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- Obtained summary judgment in the amount of approximately \$6,000,000 on behalf of investor defrauded in Ponzi scheme
- Obtained summary judgment on behalf of national franchisor's purchasing cooperative in unfair trade practices action brought by unsuccessful bidder
- Obtained summary judgment on behalf of clients in action brought for alleged tortious interference with a claimed inheritance and tortious interference with a pre-nuptial agreement
- Obtained summary judgment on behalf of a hedge fund limited partner as to claims of vexatious litigation and abuse of process
- As part of a litigation team, represented prescription drug distributor in obtaining dismissal of opioid litigation brought by multiple Connecticut municipalities
- Represented a majority shareholder of a closely-held corporation in a \$35 million shareholder dispute involving numerous complex business and accounting claims
- Obtained *ex parte* prejudgment remedy in the amount of approximately \$6,000,000 on behalf of investor defrauded in Ponzi scheme
- Obtained prejudgment remedy in the amount of approximately \$1,700,000 on behalf of investor defrauded by investment advisor
- Obtained *ex parte* prejudgment remedy in the amount of approximately \$500,000 on behalf of small business funding entity that was defrauded in the application process
- Obtained successful Connecticut Appellate Court affirmance of favorable trial court judgment dismissing Connecticut Unfair Trade Practices claim
- Successfully represented owners of a Sheraton Hotel in partition action resulting in a multi-million dollar sale of their property interests
- Successfully represented shopping center owner in resolving dispute with tenant to enable it to redevelop its shopping center
- Represented a private equity firm in a dispute concerning an employee's misappropriation of approximately \$10 million worth of securities
- Successfully represented a fiduciary in a claim made against the estate and obtained a court order denying \$1.7 million claim
- Represented subsidiary of a global financial services firm in an action to obtain damages in excess of \$30 million for commercial tenant's failure to properly maintain property over the course of a long-term lease agreement
- Successfully represented Connecticut automobile dealers against a national franchisor in a dispute under the Connecticut Franchise Act, culminating in an agreement by the franchisor to eliminate dealership open-points in the area
- Represented a national casket manufacturer in a Federal Court action to enjoin former employees from starting a direct competitor in violation of the employees' non-compete agreements
- In matter of first impression under Connecticut law, represented trustees in an action concerning whether an individual can adopt their significant other in order to make that person a "grandchild" under her father's trusts for inheritance purposes
- Successfully enforced a pre-nuptial agreement against an Estate in Connecticut Probate Court resulting in payment of nearly \$1 million
- Successfully represented numerous individuals in income and estate tax audits and appeals before the Connecticut Department of Revenue Services

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- Successfully represented rare disease social media platform company in defending and resolving claims of tortious interference with contract, breach of non-competition agreement, and alleged misappropriation of trade secrets
- Obtained a dismissal in Federal Court of a plaintiff's complaint in its entirety alleging violations of Title VII of the Civil Rights Act, of the Age Discrimination in Employment Act and WARN Act
- Successfully represented a loan acquisition subsidiary of national bank in appeal of breach of promissory note action before the Connecticut Appellate Court
- Represented multiple Fortune 500 companies in real and personal property tax appeals
- Represented a manufacturer of aluminum bottles in a nationwide class action concerning the presence of Bisphenol A in the liner of the bottles
- Represented a variety of firms, including large corporations, closely-held companies, partnerships, private equity firms and hedge funds in business disputes, including enforcing employee non-competes, unfair trade practices claims, trade secrets litigation, statutory theft and fraudulent transfer claims, attempts to pierce the corporate veil and in obtaining prejudgment remedy relief