



David J. Clark

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DAVID J. CLARK is a Member of the Firm in the Litigation and Employment, Labor & Workforce Management practices in Epstein Becker Green's New York office. His practice concentrates on litigating complex commercial and employment-related disputes before state and federal courts and arbitration tribunals. Mr. Clark represents clients in a wide range of industries, including financial services, advertising and media, accounting, banking, insurance, managed care, and retail brands.

Mr. Clark's practice includes:

- Trade secret and restrictive covenant law counseling and representation in disputes involving the movement of people and information from one employer to another
- Litigation of other employment-related matters, including claims of discrimination, harassment, and unpaid compensation
- Commercial matters involving breach of contract, fiduciary duty, fraud, unfair competition, corporate governance, securities, RICO, and ERISA
- Advice and counsel on government investigations and litigations, internal investigations, and regulatory matters
- Guidance and creative strategies on best practices for the preservation and collection of electronically stored information ("ESI"), frequently focusing on forensic investigations of computer data, as well as finding solutions to resolve ESI protocol disputes with opposing counsel

Mr. Clark has participated in jury trials and is experienced in class actions, injunction proceedings, and appellate advocacy. He also has represented clients in numerous alternative dispute resolution forums, including mediations and arbitrations before the American Arbitration Association, the Financial Industry Regulatory Authority, and the American Health Lawyers Association. He has successfully resolved many cases short of trial through pre-trial motion practice and negotiation of favorable settlements. His representative cases include:

- *Heller v. AXA Equitable Financial Services, Inc.*, No. 13-12828-FDS (D. Mass. Apr. 15, 2014) (denying petition to vacate arbitration award and confirming award)
- *Republic of Iraq v. ABB AG*, 920 F. Supp. 2d 517 (S.D.N.Y. 2013) (dismissing complaint alleging RICO, Foreign Corrupt Practices Act, and other claims asserted against business entities that transacted business with former Iraqi government)
- *Gallagher Bassett Services, Inc. v. York Risk Services Group, Inc.*, 2012 IL App. (2d), slip op. (August 29, 2012) (affirming dismissal of five-count complaint against two former employees and their new employer for alleged violations of restrictive covenants, tortious interference and trade secret misappropriation)
- *Rompalli v. Tykhe Capital, LLC*, 452 Fed. Appx. 69 (2d Cir. 2012) (denying petition to review administrative agency decision dismissing claims of national origin discrimination)
- *Limpert v. Cambridge Credit Counseling Corp.*, 328 F. Supp.2d 360 (E.D.N.Y. 2004) (dismissing federal class action claims)
- *Gallo v. Savings Bank Life Insurance Fund*, 257 A.D.2d 600, 684 N.Y.S.2d 278 (2d Dep't 1999) (affirming summary judgment in favor of defendant on statute of limitations grounds)

Mr. Clark is the Editor and a coauthor of Epstein Becker Green's *Trade Secrets & Employee Mobility Blog*. He has also written extensively elsewhere on issues regarding trade secrets and restrictive covenant law, including the following:

- "Non-Compete Laws: Illinois," Practical Law Company (March 2018) (coauthor)
- "Five HR Errors That Can Invalidate a Non-Compete Agreement," *Human Resource Executive Online* (Dec. 12, 2014)
- "The (Trade) Secret Playbook," *New York Law Journal* (Sept. 10, 2012) (coauthor)
- "Non-Hire Agreements as Antitrust Violations," *New York Law Journal* (Dec. 22, 2010) (coauthor)
- "Preparing to Compete With a Former Employer," *New York Law Journal* (Feb. 23, 2010) (coauthor)

Mr. Clark has also lectured on restrictive covenants and on civil litigation in Epstein Becker Green's Breakfast Briefing and Webinar Series and Continuing Legal Education Program.

Outside the office, Mr. Clark enjoys the outdoors, including hiking, cycling, camping, skiing, and swimming. He is also an avid soccer fan. Mr. Clark currently serves as the Cubmaster of his sons' Cub Scout pack and as a board member of the Harvard Law School Association of New Jersey.

Education

- Harvard Law School (J.D., 1996)
- Rutgers University (B.A., 1992)
 - *with highest honors*
- Oxford University, Saint Catherine's College

Court Admissions

- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court, District of Connecticut
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, Southern District of New York

Bar Admissions

- New Jersey
- New York

Practice Areas

- Appellate
- Business Litigation
- Employment Litigation
- Government Investigations/Civil & Criminal
- Labor & Employment Litigation
- Trade Secrets & Employee Mobility
- Social Media and the Workplace

Industries

- Financial Services
- Retail

Languages

- French