



## David S. Poppick

Of Counsel

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In-house counsel, senior executives, and human resources professionals from small and midsize private companies to Fortune 500 companies facing complicated or routine employment and business problems seek David Poppick's representation for strategic solutions, astute litigation, or practical ways to reduce risk while efficiently meeting their cost-conscious business objectives and priorities.

David has earned the respect of his clients, adversaries, judges, arbitrators, and colleagues for his candor, meticulous preparation, and focus on details. Clients highly regard David because he not only is a tactical and tenacious litigator but also insists on telling them what they may not like to hear whenever that will help them avoid unnecessary time and expense.

He has successfully litigated high-stakes trade secrets, non-compete, and bonus compensation cases; every type of employment discrimination, constitutional, and civil rights violations; and a wide range of business, partnership, and shareholder disputes, among many other claims, at jury and bench trials in federal and state courts, as well as arbitrations at FINRA, AAA, and other administrative agencies. He has successfully argued appeals at the highest courts, including favorable reversals. He has had more than 30 court published decisions, including a few media-covered cases.

In addition, David drafts restrictive covenants, policies, and employment agreements and responds to a broad scope of complex or routine advice and counsel matters all with an eye on how they would hold up in court. He is the author of *Connecticut Trade Secret Laws* and *Non-Compete Laws*, published by the Practical Law Company, and a contributor to EBG's [Trade Secrets & Employee Mobility Blog](#). David has also published articles for the *Connecticut Law Tribune* Employment Law Section.

### ***Pro Bono Work***

David enjoys *pro bono* work helping not-for-profit organizations and companies and as a certified mediator for the U.S. District Court for the Southern District of New York, where he has helped adverse parties settle cases for years. He was a member of the EBG team led by Stuart Gerson and in collaboration with Harvard professor Laurence Tribe, as well as other attorneys, who received a 2020 Beacon of Justice Award by the National Legal Aid & Defender Association for *pro bono* work on behalf of the plaintiffs, County of El Paso, Texas, and the Border Network for Human Rights, to challenge President Trump's national emergency declaration for the southern border wall construction, because it unlawfully violated the Consolidated Appropriations Act.

From April 2015 through June 2017, David added *pro bono* work by taking a sabbatical to serve as a Peace Corps volunteer in the country of Georgia, a former Soviet Republic, where he offered college students and lawyers trainings about U.S. laws concerning human rights, gender equality, and all forms of discrimination. In addition, David helped a center for children with disabilities with organizational development while also training youth and college students about employment skills and financial literacy.

### **Experience**

- Defended an aerospace engineering and manufacturing company in federal court against a high-stakes trade secret misappropriation claim about a sophisticated sensor device used on supersonic and commercial aircraft. By scrupulous investigation of thousands of documents that he used at depositions, David achieved dismissal and a favorable resolution of the case after demonstrating by the testimony and documents that the claims were meritless and motivated by the plaintiff's attempts to crush competition and monopolize that business sector.
- Defended a global pharmaceutical company in federal court against whistleblowing, hostile environment harassment, retaliation, and constructive discharge claims. David was granted summary judgment dismissing all claims following a complex analysis of Connecticut, New Jersey, and India choice-of-law issues based on where the employee had worked.
- Prosecuted in New York state court the enforcement of a non-competition agreement for a global internet advertising and marketing company seeking damages in excess of \$50 million against one of its executives and its fierce competitor. David achieved a prompt resolution restricting what the executive could not do during the duration of the non-compete agreement.
- Successfully tried jury and bench trials in state and federal courts against global financial services companies, nationally recognized health care clients, a national telecommunications company, and colleges and universities, among other clients, against a wide range of claims for bonus compensation, employment discrimination, constitutional and civil rights violations, and various business disputes. In one case, David was granted a directed verdict after cross-examination of the plaintiff in a jury case he undertook on the eve of trial.

David also successfully co-prosecuted a real estate fraud bench trial conducted three days a week for six months resulting in a \$25 million judgment against the defendants.

- Achieved numerous summary judgment dismissals of cases in state and federal courts against regional, national, and global companies concerning high-stakes or routine employment and business disputes.
- Achieved numerous strategic settlements of cases before judicial decisions were rendered after taking exacting and thorough depositions and filing persuasive motions for summary judgment where the dispositive consequences were clear.

### **Education**

- Western New England University (J.D., 1980)
  - Editor-in-Chief, *Western New England Law Review*
- Northwestern University (B.S., 1976)

### **Court Admissions**

- Supreme Court of the United States
- 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 Fifth Circuit
- U.S. District Court, District of Connecticut
- 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
- U.S. District Court, Western District of New York

### **Bar Admissions**

- Connecticut
- New York

### **Practice Areas**

- ADA and Public Accommodations
- Appellate
- Bankruptcy and Corporate Reorganization
- Business Litigation
- Class Actions

- Construction and Real Estate Litigation
- Corporate and Securities Litigation
- Employment Litigation
- ERISA and Benefit Plan Litigation
- First Amendment
- Intellectual Property
- Trade Secrets & Employee Mobility

### **Industries**

- Financial Services
- Health Care and Life Sciences Industry
- Hospitality
- Retail
- Technology, Media & Telecommunications

### **Memberships**

- American Bar Association
- New York State Bar Association

### **Recognition**

- *AvenueMagazine*, "Legal Elite" List of Top Litigation Attorneys in New York
- *The Best Lawyers in America*, Litigation – Labor and Employment (2021)
- *Chambers USA: America's Leading Lawyers for Business*, Leader for Labor and Employment in Connecticut (2011 to 2015, 2020) and *Recognised Practitioner* (2019)
- *Connecticut Super Lawyers*, Employment & Labor: Employer and Business Litigation (2006, 2007, 2010 to 2020)
- Martindale-Hubbell, AV Preeminent Peer Review Rating (Highest Level of Professional Excellence) in Connecticut and New York
- *New England Super Lawyers*, Employment & Labor: Employer and Business Litigation (2006, 2007, 2010 to 2020)