



## David Gordon

Partner, through his Professional Corporation

437 Madison Avenue  
25th Floor  
New York, NY 10022

t (917) 546-7701  
f (917) 546-7701  
dbg@msk.com

### legal expertise

Mr. Gordon is a Partner in the New York office. His practice focuses on the representation of companies in securities, employment, corporate governance, and general complex commercial disputes, including class action lawsuits.

### representative matters

- Obtained dismissal of a securities class action lawsuit brought against a biotechnology company alleging that fraudulent misrepresentations were made in proxy materials.
- Obtained approximately \$1.7 million judgment following trial in breach of contract suit on behalf of major supermarket chain.
- Obtained dismissal of action against data analytics company asserting multiple commercial torts.
- Obtained dismissal of a pregnancy discrimination lawsuit brought against an online media company. The former employee was required to reimburse, in part, her former employer for its defense costs.
- Defended a securities class action lawsuit brought against a well-known company in the entertainment industry. The case was resolved with the entertainment company having to make no payment.
- Successfully resolved SEC and other regulatory investigations of clients in the computer services and online media industries.
- Successfully defended an age discrimination lawsuit brought by a sales representative against a major pharmaceutical company.
- Obtained a multi-million dollar judgment following trial on behalf of a major pharmaceutical company in a commercial dispute with a brokerage firm.

### practice areas

litigation  
commercial litigation  
securities litigation  
labor & employment  
employment litigation & counseling

### admissions

New York  
New Jersey  
U.S. District Courts  
Southern District of New York  
Eastern District of New York  
Western District of New York  
District of New Jersey  
U.S. Court of Appeals  
Second Circuit  
Third Circuit

### education

Georgetown University Law Center, J.D., 1992  
Columbia University, A.B., 1989

### other career experience

- Predecessor Firm, Richardson & Patel LLP

msk.com

los angeles  
t 310.312.2000  
f 310.312.3100

new york  
t 212.509.3900  
f 212.509.7239

washington, dc  
t 202.355.7900  
f 202.355.7899



David Gordon

---

- Successfully represented a hedge fund in a lawsuit to enforce anti-dilution provisions of a convertible debenture. In connection with a settlement, the hedge fund received consideration worth approximately five times the face value of the convertible debenture.
- Defended the CEO of a prominent telecommunications company in a securities class action lawsuit relating to the IPO of the company's stock. The claims were dismissed without any payment made by the CEO.
- Successfully defended a race discrimination lawsuit brought by a former company officer against a large consumer electronics company.
- Obtained the voluntary dismissal of claims of violation of the FMLA and gender discrimination brought against a pharmaceutical company.
- Successfully defended against a breach of contract lawsuit brought by a bankruptcy trustee against an online media company.
- Obtained affirmance, in the U.S. Court of Appeals for the Second Circuit, of an award of sanctions against a law firm and attorney for pursuing frivolous securities fraud claims
- Obtained dismissal of lawsuit brought against an investment advisor alleging fraud
- Represented a member of the board of directors of a medical device company in connection with litigation that involved, inter alia, charges that the company had made misrepresentations to the FDA about the results of certain clinical trials.
- Regularly provide advice to clients with respect to issues of employment law and prepare employment-related agreements.
- Successfully defended against a motion by a debtor in bankruptcy court to assume a multimillion dollar commercial lease.
- Successfully defended a major hotel management company against claims brought by a prominent company in the financial services industry concerning a financing transaction.

## honors & awards

"Top 5% of lawyers in New York," *New York Super Lawyers* (2007, 2013-2023)

## headlines

7 MSK Attorneys Named to the 2024 Edition of *New York Metro Super Lawyers*  
October 24, 2024

msk.com

los angeles  
t 310.312.2000  
f 310.312.3100

new york  
t 212.509.3900  
f 212.509.7239

washington, dc  
t 202.355.7900  
f 202.355.7899



David Gordon

---

9 MSK Attorneys Named to the 2023 edition of New York Metro *Super Lawyers*  
September 22, 2023

11 MSK Attorneys Named to the 2022 edition of New York Metro *Super Lawyers*  
September 29, 2022

David Gordon Quoted in *Corporate Counsel*  
February 15, 2022

7 MSK Attorneys Named to the 2021 New York Edition of *Super Lawyers*  
October 5, 2021

MSK Attorneys Named to the 2017 List of *Super Lawyers*  
January 20, 2017

Judge Says No to Securities Class Action  
March 31, 2016

MSK Welcomes Richardson Patel Colleagues!  
July 1, 2015

## media mentions

David Gordon Quoted in *CBS MoneyWatch*  
October 6, 2022

MSK Partner David Gordon Quoted in SHRM  
March 28, 2022

David Gordon Quoted in Multiple Publications Commenting on Supreme Court Ruling Over COVID Vaccine Mandates  
January 14, 2022

David Gordon Quoted in Multiple Publications Commenting on Employer Vaccination Mandates  
January 5, 2022

*Law360* Mentions David Gordon in Ongoing "Creed" Infringement Suit  
December 21, 2016

Patricia Benson, David Gordon, Marc Mayer, and Daniel Kohler Mentioned in *Law360*  
November 22, 2016

David Gordon, Jean Nogues, John Durrant and Mark Hiraide Mentioned in *Law360*  
June 27, 2016

[msk.com](http://msk.com)

los angeles  
t 310.312.2000  
f 310.312.3100

new york  
t 212.509.3900  
f 212.509.7239

washington, dc  
t 202.355.7900  
f 202.355.7899



David Gordon

---

David Gordon Quoted in *Associated Press*  
May 9, 2016

David Gordon Mentioned in *Law360* on "Creed" Infringement Suit  
April 25, 2016

David Gordon, Jaclyn Grodin and Mark Hiraide Mentioned in *Law360*  
April 21, 2016

David Gordon, Melanie Figueroa, and Carl Kleidman Mentioned in *Crain's New York Business*  
August 2015

MSK Attorneys Named to the 2014 List of *Super Lawyers*  
October 2014

## client alerts

Investors Remain in Limbo: The U.S. Supreme Court Declines to Review *U.S. v. Newman*  
*MSK Client Alert*, December 16, 2015

New York City Bans the Box: Has Your Company Reviewed Its Application Process?  
*MSK Client Alert*, November 30, 2015

Is the SEC's Home Court Advantage Coming to an End?  
*MSK Client Alert*, August 2015

## events & speaking engagements

MSK's Annual Labor & Employment Law Update in New York  
January 17, 2018

MSK's Annual Labor & Employment Law Update in New York  
January 17, 2017

## notable published decisions

- *Mitsuwa Corporation v. Orama Hospitality Group, Ltd., et al.*
- *In Re Orama Hospitality Group, Ltd.*
- *3839 Holdings LLC v. Theodore Farnsworth, et al.*
- *Furlong Fund LLC v. VBI Vaccines, Inc., et al.*
- *Catton, et al. v. Defense Technology Systems Inc., et al.*

msk.com

los angeles  
t 310.312.2000  
f 310.312.3100

new york  
t 212.509.3900  
f 212.509.7239

washington, dc  
t 202.355.7900  
f 202.355.7899



David Gordon

---

- *Todd Diamond, et al. v. John McDonald, et al.*