



## David Fleischer

Senior Counsel

[david.fleischer@haynesboone.com](mailto:david.fleischer@haynesboone.com)

New York

+1 212.659.4989

**PRACTICES** Litigation, Real Estate Litigation, Intellectual Property Litigation, Copyright, Real Estate, Media and Entertainment Litigation, Media, Entertainment and Sports

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David Fleischer has been representing clients in complex commercial disputes for more than 25 years. David's approach blends an early appreciation for his clients' litigation goals with an ability to develop blueprints designed to achieve those objectives.

David's practice focuses on the representation of clients from a wide array of industries in commercial litigation matters pending before federal, state, arbitration and mediation forums throughout the United States. David is well-known for his successful representation of Marvel Entertainment, the country's leading comic book publisher and a successful feature film producer, in a variety of high stakes litigation matters involving issues of intellectual property, licensing rights and executive employment disputes. David successfully defended Marvel in the well-publicized declaratory judgment action brought to invalidate copyright termination notices issued by the heirs of Jack Kirby who were seeking rights to The Incredible Hulk, The Fantastic Four Nick Fury and many other iconic characters that Mr. Kirby co-created while employed by Marvel. In another instance David secured dismissal of a lawsuit seeking \$750 million in damages and other relief against Marvel instigated by former business associates of Stan Lee claiming that Mr. Lee had conveyed to their company rights to the Spider-Man, Ironman, and Incredible Hulk characters Mr. Lee co-created during his employment by Marvel.

The diversity and depth of David's litigation experience is reflected in his representation of institutional, private equity and other real estate investors and developers in restructuring and inter-creditor disputes arising from investments in real property, mortgage loans and mezzanine debt as well as clients involved in a wide range of high value contractual disputes and class actions.

As an advocate, David relishes analyzing the context in which his client's dispute has arisen and identifying often overlooked details that affect litigation outcomes. It is this talent which has consistently earned David the loyalty of clients over the course of his distinguished career.

### Professional Recognition

- Selected for inclusion in *New York Metro Super Lawyers* by Thomson Reuters, 2010-2012
  - AV Peer Review Rated Preeminent by *Martindale-Hubbell Law Directory*
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## QUALIFICATIONS

## EDUCATION

- J.D., New York University School of Law, 1972
- B.S., Economics, University of Pennsylvania, 1968

## ADMISSIONS

- New York
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## SELECTED CLIENT REPRESENTATIONS

- Representation of a lender affiliate of a large national real estate company in a hotly contested mortgage foreclosure action
  - Representation of a private equity firm in defending tort claims arising out of failed restructuring negotiations
  - Representation of a national title company and its title insurance underwriter subsidiaries in consumer class actions and regulatory matters throughout the United States and in coverage and claims matters
  - Representation of institutional financial clients in a variety of real estate and construction disputes in arbitration and judicial proceedings
  - Litigation for a major insurance carrier in which the client sought to set aside and enjoin as fraudulent conveyances certain distributions to the equity partners of a non-recourse borrower. The litigation produced two opinions in the Second Circuit Court of Appeals holding that, notwithstanding broad exculpation language in its loan documents, Travelers had standing to pursue fraudulent conveyance causes of action against the borrower and its partners.
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## AWARDS AND RECOGNITION