



## New York

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## Related Services

- Financial Services Litigation, Regulation and Enforcement
- Government Affairs
- Government Affairs & Regulatory Support
- Litigation
- National Security / CFIUS / Compliance
- Public Sector Unions & Benefits
- Regulatory Compliance and Enforcement Actions
- White Collar & Internal Investigations

## Education

J.D., *cum laude*, Georgetown University Law Center, 2007

B.A., *magna cum laude*, Duke University, 2004

## David J. Kahne Special Counsel

David Kahne is an accomplished commercial litigator, with a varied complex commercial litigation practice handling all aspects of civil litigation in federal and state court and in investigations before federal and state regulatory agencies. He has extensive experience representing both plaintiffs and defendants in all phases of litigation beginning with the commencement of an action, discovery and continuing through appellate briefing and argument, where he has authored briefs in the Second Circuit Court of Appeals and the Supreme Court of the United States.

In the financial services sector, David has successfully advised clients financial institutions and trading firms in complex commercial disputes and investigations related to physical commodities, related derivative products and securities. David has handled contract, fraud, unfair competition, insolvency and other business tort litigations. He also has represented banks, trading firms and other private companies in large class actions, and in investigations before the U.S. Commodity Futures Trading Commission, U.S. Department of Justice Civil Division, and the U.S. Securities and Exchange Commission.

David's experience in handling federal and state court litigation also includes defending the contract, pension and constitutional rights of some of New York City and Long Island's largest public employee unions.

In 2017, David was named as a *Super Lawyer Rising Star* and was also named to the list of Legal 500 in the United States. He has written extensively on the constitutional rights of public employees, including articles in the *New York Law Journal*, and as a contributor to Stroock's *Public Employee Law Reports*. He also has spoken on a variety of e-discovery issues in state and federal court.

## Representative Matters

Mr. Kahne's representations have included:

- Representation of banks and funds in connection with the valuation, filing and litigation of derivative and guaranty claims arising from the Lehman Brothers bankruptcy proceedings in the United States.
- Representations of commodity trading firms in litigations arising from contracts for the purchase and sale of commodities, including the defense of an international commodities trading firm in a class action concerning claims of alleged manipulation of the North Sea Brent crude oil market in violation of the Commodity Exchange Act.

- Representations of commodity trading firms in connection with investigations by government regulatory agencies, including the U.S. Commodity Futures Trading Commission and Federal Energy Regulatory Commission, relating to the purchase and sale of natural gas, crude oil, wheat, cotton, and commodity index products.
- Representing one of the City's largest municipal unions in contract negotiations, arbitrations and related mediation and administrative proceedings.
- Representing the City municipal union umbrella organization in various health benefits and collective bargaining related matters.

#### Honors & Awards

- Legal Aid Society's 2021 *Pro Bono Publico* Award
- *Super Lawyers*
- *The Legal 500 United States*

#### Speeches & Events

- Speaker, "Workplace Privacy in a Digital World: Employee Surveillance, Information Security, Social Media, and BYOD Policies," Employment Law 2015: Current and Cutting-Edge Issues for the Corporate Counselor and General Practitioner, Labor and Employment Law Section, New York State Bar Association, New York, NY, June 30, 2015
- Speaker, "Ethics in E-Discovery," Labor and Employment Law Section, New York State Bar Association Annual Meeting, New York, NY, January, 2014

#### Publications

- Author, "Supreme Court Unanimously Rules SEC Power to Seek Disgorgement Subject to Five-Year Statute of Limitations," *Stroock Special Bulletin*, June 6, 2017
- Co-author, "Stroock Reports – Public Employee Law," *Stroock Reports*, Spring 2017
- Co-author, "Supreme Court Leaves Remote Tippee Liability Unresolved in *Salman v. United States*," *Stroock Special Bulletin*, December 8, 2016
- Co-author, "Public Sector Pensions Under Attack," *New York Law Journal*, November 7, 2016
- Co-author, "Stroock Files Amicus Brief in the U.S. Supreme Court in *Merrill Lynch v. Manning*," *Stroock Special Bulletin*, September 16, 2015
- "Curbing the Abuser, Not the Abuse: A Call for Greater Professional Accountability and Stricter Ethical Guidelines for Class Action Lawyers," *Georgetown Journal of Legal Ethics*, 2006, Vol. 19, No. 741

#### Admitted To Practice

New York

U.S. District Court, Eastern District of New York; U.S. District Court, Southern District of New York

**Clerkships**

Law Clerk, Hon. Brian M. Cogan, U.S. District Court, Eastern District of New York, 2009-2010