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Todd R. David

Retired Partner

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Related Services

Litigation ■ Securities Litigation

Todd David advises companies regarding disclosure and corporate governance issues and he conducts special investigations involving such matters.

He has acted as lead counsel in numerous class actions, trials, and arbitrations. He has substantial experience in a variety of complex commercial litigation, including, among others, securities, D&O, E&O, M&A, and other transaction-based disputes.

The Best Lawyers in America named Todd "Lawyer of the Year" for 2015 in New York and for 2013 in Atlanta in the category of securities litigation. That publication also recognized Todd in the categories of bet-the-company litigation, commercial litigation, and corporate governance. He is listed in *Chambers USA* as a leader in corporate litigation. He has published extensively and has taught and lectured at law schools and seminars.

At Alston & Bird, Todd has served in a variety of leadership roles, including, among others, Chair of the Firm's internal board; Co-Chair of Litigation Department; and Chair of Securities Litigation Group. He has also served on a variety of non-profit boards, including, among others, The Anti-Prejudice Consortium; Synchronicity Performance Group; and The ALS Association of Georgia.

Representative Experience

- Trial counsel on behalf of, among others, consumer products companies, professional services firms, retailers, chemical companies, technology companies and companies in the OTC and health care business.
- Success rate of complete dismissals on motions to dismiss securities class actions far in excess of the national rate of other law firms.
- Successfully opposed plaintiffs' challenges to mergers in several jurisdictions, including, among others, California, Delaware, Florida, Tennessee, South Carolina, Georgia, New York and New Jersey.
- Counsel in a major arbitration on behalf of an international retailer involving an earn-out dispute arising out of an M&A transaction. The arbitrator rejected all material claims of the seller.
- Counsel in the successful defense of an arbitration and injunction proceeding in the New York Supreme Court and appellate division concerning asset purchase and alleged breach of contract claims, including limiting recovery to \$1.00.
- Counsel in an arbitration alleging our client breached a license agreement and caused \$40 million in damages. AAA Panel issued an award rejecting all claims and denying any damages by claimant.

- Obtained a dismissal of shareholder claims involving, among others, iXL Enterprises, Matria Healthcare, Mirant Corporation, Miva, NDC Health Corp., PharMerica, Premiere Technologies, Suburban Lodges of America, S-1 Corporation, US Oil and Gas and Vertro.
- Counsel for an insured in a \$50 million arbitration with an excess insurance carrier. The arbitration panel ruled in favor of our client.
- Obtained verdicts in favor of products liability defendants in jury and bench trials.
- Prevailed in arbitration by recovering a \$7 million award against the seller of a business and obtained a \$5 million additional settlement in a related state court fraud action.
- Obtained summary judgment and Eleventh Circuit affirmance as to claims by former major stockholders of an acquired company against the acquiring company and certain officers and directors.

Publications & Presentations

Publications

- “Executive Compensation,” *Business and Commercial Litigation in Federal Courts*, 4th ed., Thomson Reuters, 2017.

Professional & Community Engagement

- Serves on the board of the Anti-Prejudice Consortium.
- Past board member of the Big Brothers/Big Sisters, ALS Association of Georgia, and Synchronicity Performance Group.

Education

- Northeastern University (J.D., 1985)
- Queens College (B.A., 1982)

Admitted to Practice

- Georgia
- New York