



Contact

David A. Munkittrick

Partner

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David Munkittrick represents companies in consequential disputes where competition, innovation, and creative enterprise intersect. He is often engaged when legal doctrine is evolving, business models are under pressure, and the outcome of litigation carries industry-wide implications. Known for his calm approach to complex issues, he develops strategies that are creative but disciplined. David brings clarity and structure to intricate matters while grounding advocacy in a rigorous understanding of how his clients' businesses function.

David's practice spans antitrust, copyright, and high-stakes commercial litigation across the modern economy, from pharmaceuticals and healthcare, to automotive, music and live entertainment, sports and trading cards, agriculture, financial services, hospitality, and technology. He is increasingly called on for matters at the intersection of antitrust, copyright, and AI, where market-power and creative-rights questions entangle.

He is at the forefront of data access issues, having represented Bright Data in closely watched and precedent-setting litigations involving the right to access public web data and testing the contours of competition law in technology-driven markets.

David has tried bench and jury cases involving price discrimination and group boycott claims, defended Fortune 500 companies in some of the highest-profile

investigations and litigations of the past decade, and counseled clients through the full litigation life cycle. His antitrust experience also includes defending clients in federal class actions and competitor suits alleging monopolization and exclusionary conduct, as well as representing companies in investigations before the DOJ and FTC.

A former practicing musician, David represents major music and entertainment companies and artists in infringement, ownership, and licensing disputes, including matters involving digital distribution and evolving media platforms. His clients include the NMPA, Sony Music Entertainment, U2, Madonna, Live Nation, UMG, and Warner.

An active commentator on developments in antitrust and copyright law, David writes and speaks frequently. In addition to his monthly *Law360* column, "FTC Focus," his writing has been featured in the *GCR Private Litigation Guide*, Proskauer's privacy and antitrust treatises, and the Fordham IPLJ Symposium.

Outside the firm, David serves on the board of the Lorelei Ensemble and was previously on the board of the New York Choral Society. He has taught the Law and Music course at the Eastman School of Music. An accomplished classical pianist, David made his Carnegie Hall debut while at Proskauer, performing as part of a piano trio.

Matters

Antitrust

- *In the Matter of Benco/Schein/Patterson*. Defended Henry Schein, Inc. in a months-long group boycott trial brought by the FTC, obtaining complete dismissal of the complaint against Schein, the only defendant to be dismissed.
- *The Broadway League v. Telsey et al.* Counsel for the Broadway League in a suit regarding application of the antitrust labor exemption to purported union of independent casting director businesses.

- *Learfield Communications/IMG College*. Counsel for Learfield in the DOJ's investigation of Learfield's merger with IMG College, which combined the two largest providers of collegiate multimedia rights services.
- *In re Generic Pharmaceuticals Pricing Antitrust Litigation*. Defense of pharmaceutical executive in multiple complaints by state attorneys general and purported classes regarding alleged pricing fixing in generic pharmaceuticals.
- *TrueEx LLC v. MarkitServ Ltd.* Defense of antitrust claim seeking to impose a duty to deal with a competitor in the alleged market for post-trade processing of Interest Rate Swaps
- *Mathew Enterprise Inc. v. Chrysler Group LLC*. Trial counsel for Chrysler in the successful defense of a \$5.1 million price discrimination action brought by a dealer. After a two-week trial, the jury issued a verdict in Chrysler's favor, which was affirmed by the Ninth Circuit on appeal.
- *Castro v. Sanofi Pasteur Inc.* Counsel for Sanofi Pasteur, defending a nationwide class action alleging monopolization of the alleged market for meningitis vaccines in the United States through bundling and other exclusionary conduct

Copyright/Entertainment

- *Archie MD, Inc. v. Elsevier, Inc.* Defense of Elsevier against allegations of mass copyright infringement, obtaining dismissal of the vast majority of the claims on summary judgment.
- *Rose v. Hewson*. Defense of U2 against claims the band's song "The Fly" infringed plaintiff's song "Nae Slappin," achieving complete dismissal on a motion to dismiss.
- *Universal Attractions, Inc. v. Live Nation Entertainment, Inc.* Represented Live Nation and Ticketmaster in defense of false advertising claims, and obtained complete dismissal on a motion to dismiss.

- *Cole v. Blackwell Fuller Music Publishing*. Defense of music publishers in copyright infringement suit regarding rights to Bob Marley songs, and obtained dismissal on a motion to dismiss.
- *Francescatti v. Germanotta*. Defense of Lady Gaga in a copyright infringement suit regarding the song “Judas”, obtaining complete dismissal of the claims on summary judgment.
- *AREC v. Jerri Jones*. Twice obtained dismissal of breach of contract claims over royalties relating to Dixie Cup songs.
- *Buday v. New York Yankees Partnership*. Won dismissal of a copyright infringement suit against the Yankees

Other Commercial Litigation

- Defense of the Financial Oversight and Management Board for Puerto Rico, in its own right and as debtors’ representative, in litigation related to the restructuring of the Commonwealth’s \$74 billion of bond debt and \$50 billion of unfunded pension obligations.
- Defense of Mattel, Fisher-Price, Target, Walmart, Amazon, and Buy Buy Baby in product liability litigations regarding the Rock ‘n Play Sleeper.
- *Katz v. The Donna Karan Company LLC*. Successful defense of purported class action under FACTA, including on two appeals to the Second Circuit.
- *PBGC v. The Renco Group, Inc.* Represented Renco at trial in an ERISA litigation
- *VICI Racing v. T-Mobile USA, Inc.* Defense of T-Mobile in contract dispute
- *Jackson Family Wines, Inc. v. Diageo North America, Inc.* Represented Diageo in trademark infringement litigation
- Represented former partner in mutual fund investment firm in arbitration asserting breach of partnership agreement
- *Cappicille v. Suburban Propane, L.P.* Represented Suburban Propane defending a purported

Practices

Antitrust Technology Task Force, Antitrust, Copyright, Litigation

Industries

Health Care, Private Capital, Entertainment

Market Solutions

Proskauer+Tech, Artificial Intelligence

Education

Indiana University Maurer School of Law, J.D.

cum laude

Oberlin College, B.A.

with highest honors

Oberlin College, B.Mus

Admissions & Qualifications

New York

Court Admissions

U.S. District Court, New York, Eastern District

U.S. District Court, New York, Southern District

U.S. Court of Appeals, First Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Second Circuit

Memberships

American Bar Association: Antitrust Section

New York State Bar Association: Entertainment, Arts and Sports Law Section

New York City Bar Association: Science and Law Committee

Awards & Recognition

Concurrences Antitrust Writing Award — Business Article, Intellectual Property
(2025)

Benchmark Litigation — Future Star (2025)

Managing Intellectual Property — Rising Star (2022–2025)

The Legal 500 United States — Antitrust: Civil Litigation / Class Actions: Defense
(2023–2025)

The Legal 500 United States — Intellectual Property: Copyright (2022, 2024–2025)

The Legal 500 United States — Media, Technology and Telecommunications: Media
and Entertainment Litigation (Leading Lawyer 2025; ranked 2022–2023)