



Contact

**Margaret A. Dale**

**Partner**

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Margaret Dale is a versatile first-chair litigator and handles complex business disputes for clients across a wide variety of industries.

While her practice covers the spectrum of commercial disputes, Margaret regularly handles privacy and data security matters, including regulatory investigations and class action lawsuits stemming from data breaches. She also focuses on intellectual property, where she represents individual artists and arts-related organizations and museums. Margaret's practice also includes matters involving securities, corporate governance, asset management, bankruptcy and insolvency.

Margaret maintains an active pro bono practice focusing on issues relating to women, children and veterans. She also serves as Chair of the Board of Directors of the Center for Family Representation, and as a member of the Board of Directors of VLA (Volunteer Lawyers for the Arts).

At Proskauer, Margaret also serves as the Vice-Chair for the Litigation Department, and heads the Litigation Department's Data Privacy and Cybersecurity Practice Group.

In addition, Margaret is the lead editor of [Proskauer's blog on business litigation, \*Minding Your Business\*](#).

Margaret is an author of the chapter titled "Admissibility Issues in Commercial Cases" in the treatise *Commercial Litigation in New York State Courts* (Haig, ed). Margaret also authored the chapter, Data Breach Litigation in *Proskauer on Privacy*.

## Matters

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### Representative Matters:

- In a federal jury trial, secured a unanimous defense verdict for FIFA, beating back a breach of contract claim by a purported agent seeking tens of millions of dollars in claimed damages relating to retransmission royalties concerning World Cup broadcasts. *Worldwide Subsidy Group, LLC. v. Fédération Internationale de Football Association*, 14-cv-00013 (C.D. CA. 2018)
- On behalf of Charles Tyrwhitt, a men's clothing retailer, achieved the complete dismissal of a putative class action lawsuit challenging Tyrwhitt's use of a third-party intermediary to monitor users' activities on its website and claiming a violation of the Wiretap Act. Plaintiff's claims under the Stored Communications Act and New York General Business Law were also dismissed as meritless. *Cohen v. Navistone, Inc. and Charles Tyrwhitt, Inc.*, 17-cv-9389, 2018 WL 3392877 (S.D.N.Y. July 12, 2018)
- T-Mobile in connection with the data breach experienced by its vendor, including responding to regulatory inquiries, class action lawsuits and overall management of the breach response as well as litigating a contract disputes with its vendor regarding contractual obligations and indemnification
- Successfully defended the Keith Haring Foundation and related entities and individuals in a dispute alleging defamation and other torts as well as antitrust violations in connection with the determination that works of art owned by the plaintiffs were not authentic works by the hand of Keith Haring. *Bilinski v. Keith Haring Found., Inc.*

, 96 F. Supp. 3d 35 (S.D.N.Y.), aff'd 2015 U.S. App. LEXIS 20835 (2d Cir. Dec. 2, 2015)

- Leucadia National Corporation and its affiliates in a federal class action lawsuit involving claimed violations of RICO and the Fair Debt Collection Practices Act. *Sykes et al. v. Mel Harris and Associates, LLC, et al.*, 09-cv-8486 (S.D.N.Y.)
- The Keith Haring Foundation in the successful shut-down of a “pop up” exhibition in Miami where counterfeit works were exhibited. *The Keith Haring Foundation v. Colored Thumb Corp.*, 13-20830 (S.D. Fla.)
- Selling shareholders in an escrow dispute with a corporate buyer in Delaware Chancery Court. *Shareholder Representative Services LLC v. SuccessFactors Inc.*, No. 8444-VCN (Del. Ch.)
- Pershing LLC in obtaining dismissal of a putative class action alleging inadequate security relating to a proprietary online platform. *Katz v. Pershing LLC*, 806 F. Supp. 2d 452 (D. Mass. 2011), aff'd 672 F. 3d 64 (1st Cir. 2012)
- Preferred stockholder in Delaware Chancery Court in a breach of voting rights case
- The Museum of Modern Art (MoMA), obtaining the dismissal of litigation brought by the heirs of a deceased German artist for restitution of artwork. *Grosz v. MoMA*, 772 F. Supp. 2d 473 (S.D.N.Y.), aff'd 403 Fed. Appx. 575 (2d Cir. 2010)
- BNY Mellon, obtaining the dismissal of two putative class action lawsuits brought by consumers whose personally identifiable information was allegedly contained on lost computer back-up tapes. *McLoughlin v. People's United Bank, Inc. and Bank of New York Mellon, Inc.*, 2009 WL 2843269 (D. Conn., Aug. 31, 2009) and *Hammond v. The Bank of New York Mellon Corp.*, 2010 WL 2643307 (S.D.N.Y., June 25, 2010)
- Pershing and BNY Mellon, successfully defending an action that arose from alleged inadequate data security measures relating to a proprietary online platform. *Zeldman v. Pershing LLC and The Bank of New York Mellon Corp.*, 09-cv-22609 (S.D. Fla., Aug. 20, 2010) (unpublished)

## Practices

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Privacy & Cybersecurity, Securities Litigation, Class Actions, Intellectual Property, Trial Strategies , Litigation

## Market Solutions

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Blockchain, Corporate Governance

## Education

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University of Chicago Law School, J.D., 1989

Rutgers College, B.A., 1986

With Highest Honors

Phi Beta Kappa

## Admissions & Qualifications

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New York

## Court Admissions

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U.S. Court of Appeals, First Circuit

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, Tenth Circuit

U.S. Court of Appeals, Eleventh Circuit

U.S. Court of Appeals, Fourth Circuit

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

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

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Ninth Circuit

## Memberships

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Center for Family Representation, Co-Chair of the Board of Directors

Volunteer Lawyers for the Arts, Member of the Board of Directors  
New York City Bar (Judiciary Committee, Former Member of: Sports Law Committee, Art Law Committee, Committee of the State Courts of Superior Jurisdiction, and Committee on Professional Discipline, Former Co-Chair of the Task Force on New York's Constitutional Convention (2015-2017))  
New York State Bar Association (Former Secretary of Commercial and Federal Litigation, Former Editor of NY Litigator)  
American Bar Association (Section of Litigation)

#### Awards & Recognition

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The Legal 500 United States: Cyber Law (Incl. Data Protection & Privacy) 2018  
The Legal 500 United States: Litigation: General Commercial Disputes 2018  
The Legal 500 United States: Media, Technology & Telecoms: Data Protection and Privacy 2013-2014, 2016  
Institutional Investor, Benchmark Litigation Guide Future Star - New York 2014-2017  
Benchmark Litigation, Top 250 Women in Litigation 2017, 2019  
Benchmark Litigation, Litigation Stars 2019  
YWCA's Academy of Women Leaders  
New York Super Lawyers 2007-2018

#### Government Service

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Assistant District Attorney, Kings County District Attorney's Office, Brooklyn, NY, 1991-1994