



Contact

**Margaret A. Dale**

**Partner**

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Margaret Dale is a first-chair litigator handling complex business disputes across a wide variety of industries, including: media and entertainment, financial services, consumer products, telecommunications and technology, and colleges and universities. She serves as the Vice-Chair for the Litigation Department, and heads the Litigation Department's Data Privacy and Cybersecurity Practice Group. Margaret has been recognized the last few years in *Benchmark Litigation's* Top 250 Women in Litigation.

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, representing individual artists and arts-related organizations and museums. Margaret's practice also includes matters involving bankruptcy and insolvency, securities, corporate governance, and asset management.

Margaret also regularly counsels clients before litigation ensues in order to assess risk, adopt strategies to minimize or deflect disputes, and resolve matters without going to court.

Margaret maintains an active pro bono practice advocating on issues relating to women, children and veterans. She serves as Chair of the Board of Directors of the

Center for Family Representation, as a member of the Board of Directors of VLA (Volunteer Lawyers for the Arts), a member of the Board of Directors of JALBC (Judges and Lawyers Breast Cancer Alert), and a member of the Board of the City Bar Fund.

In addition, Margaret is a frequent writer. She serves as the lead editor of Proskauer's blog on business litigation, [Minding Your Business](#). She also authored the chapter titled "Admissibility Issues in Commercial Cases" in the treatise *Commercial Litigation in New York State Courts* (Haig, ed.), as well as the chapter titled "Data Breach Litigation" in PLI's *Proskauer on Privacy*.

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## Matters

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### Representative Matters:

- Lead litigator for Financial Oversight and Management Board of Puerto Rico (FOMB) with respect to restructuring the debt of the Puerto Rico Electric Power Authority (PREPA) and the Employee Retirement System of the Government of the Commonwealth of Puerto Rico (ERS).
- Lead counsel for a public telecommunications company in connection with an internal investigation of fraud allegations, and subsequent successful mediation of claims by customer.
- Advisor to public company regarding litigation risk associated with conversion of equity awards post-spin-off.
- Lead trial counsel for FIFA in securing a unanimous defense verdict, and beating back a breach of contract claim by a purported agent seeking tens of millions of dollars relating to retransmission royalties concerning World Cup broadcasts.
- Lead counsel for Charles Tyrwhitt, a men's clothing retailer, in 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 also were dismissed as meritless.

- Data breach counsel for T-Mobile in connection with the 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.
- Advisor to selling shareholders in connection with indemnification demands related to divestiture of gaming and lodging entities.
- Lead counsel for selling shareholders in an escrow dispute with a corporate buyer in Delaware Chancery Court.
- Lead counsel for preferred stockholder in Delaware Chancery Court in a breach of voting rights case.
- Counsel to Pershing LLC in obtaining dismissal of a putative class action alleging inadequate security relating to a proprietary online platform.
- Counsel to BNY Mellon in 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.
- Lead counsel for Pershing and BNY Mellon in successfully defending an action that arose from alleged inadequate data security measures relating to a proprietary online platform.
- Lead counsel for The Keith Haring Foundation and related entities and individuals in successfully defending against allegations of 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.
- Lead counsel for The Keith Haring Foundation in the successful shut-down of a “pop up” exhibition in Miami where counterfeit works were exhibited.
- Counsel to the Museum of Modern Art (MoMA) in obtaining the dismissal of litigation brought by the heirs of a deceased German artist (George Grosz) for restitution of artwork.

- Leucadia National Corporation and its affiliates in a federal class action lawsuit involving claimed violations of RICO and the Fair Debt Collection Practices Act.

## Practices

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Litigation, Asset Management Litigation, Business Solutions, Governance, Restructuring & Bankruptcy, Class Actions, Intellectual Property, Private Credit Restructuring, Privacy & Cybersecurity, Securities Litigation, Trial Strategies

## Market Solutions

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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

JALBC (Judges and Lawyers Breast Cancer Alert), Member of the Board of Directors

City Bar Fund, Member of the Board

New York City Bar (Judiciary Committee; Member of the Task Force on Litigation

Funding; 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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Benchmark Litigation, Litigation Star 2019-2021

Benchmark Litigation, Top 250 Women in Litigation 2017-2021

Benchmark Litigation, Future Star 2014-2018

Crain's Notable Women in Law 2018

The Legal 500 United States: Cyber Law (Incl. Data Protection & Privacy) 2018,

2020

The Legal 500 United States: Litigation: General Commercial Disputes 2018-2020

The Legal 500 United States: Media, Technology & Telecoms: Data Protection and

Privacy 2013-2014, 2016, 2019

New York Super Lawyers 2007-2020

"Top 50 Women," New York Metro Super Lawyers, 2019-2020

YWCA's Academy of Women Leaders

## Government Service

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Assistant District Attorney, Kings County District Attorney's Office, Brooklyn, NY,

1991-1994