



Contact

Margaret A. Dale

Partner

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

While her practice is diverse, she 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. With respect to securities and corporate governance, Margaret handles SEC enforcement proceedings, shareholder and partnership disputes, stock option, warrant and preferred stock matters, escrow fights and Delaware 220 actions, as well as regulatory and internal investigations.

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

Representative cases include:

- 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. 2015), aff'd 2015 U.S. App. LEXIS 20835 (2d Cir. Dec. 2, 2015)
- Representation of FIFA in an alleged breach of contract case involving cable and satellite royalties. *Worldwide Subsidy Group v. Fédération Internationale de Football Association*, 2:14-cv-00013 (C.D. Cal.)
- 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.)

- Caledonian Bankin connection with trading for non-U.S. clients in U.S. securities and defense of an SEC enforcement action.
- 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

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

Market Solutions

Blockchain, Corporate Governance

Education

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

Rutgers College, B.A., 1986 With Highest Honors Phi Beta Kappa

Admissions & Qualifications

New York

Court Admissions

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

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

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

YWCA's Academy of Women Leaders

New York Super Lawyers 2007-2017

Government Service

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