HunterMaclean
ATTORNEYS

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David M. Burkoff
Partner

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PRACTICE AREAS
Appellate
Arbitration & Mediation
Business Litigation
Entertainment & Media
Fiduciary Litigation
Litigation
Nonprofit Organizations
Product Liability
Professional Malpractice
Real Estate Litigation

INDUSTRIES
Banking & Finance
Education
Energy & Renewables
Health Care
Hospitality & Retail
Logistics & Supply Chain
Manufacturing
Nonprofit & Government
Professional Services
Technology

LICENSED IN
Georgia
New York
South Carolina

EXPERIENCE

Dave Burkoff focuses his practice on business disputes. Dave has broad experience handling civil litigation matters in state and federal courts throughout the United States.

Dave has handled disputes relating to, among other things, product liability, banking, educational institutions, health care, real estate, employment matters, insurance, antitrust, nonprofit organizations, information technology, and the hospitality and entertainment industries. Dave also regularly handles fiduciary litigation matters, including disputes related to trusts and estates. Dave has experience litigating class actions, derivative actions, and other procedurally complex matters. Dave has won and resolved cases for clients ranging from individuals to Fortune 500 companies. Dave advises clients at all stages of the litigation process, including pre-suit counseling, discovery, injunction proceedings, dispositive motion practice, trial, and appeal. Dave's practice also encompasses arbitration and mediation.

Dave is admitted to practice in Georgia, South Carolina, Massachusetts, and New York, and in the U.S. District Courts for the Southern District of Georgia, the Middle District of Georgia, the Northern District of Georgia, the District of South Carolina, the Eastern District of New York, the Southern District of New York, and the District of Massachusetts. He is also admitted to practice in the U.S. Courts of Appeals for the First, Second, Fourth, Ninth, and Eleventh Circuits, and in the U.S. Supreme Court.

Dave is actively involved in his community, currently serving as Chairman of the Savannah Technical College Board of Trustees and as a member of the Board of Directors of the United Way of the Coastal Empire.

Since joining HunterMaclean in 2012, Dave has also held leadership roles within the Firm, including service on the Firm's management committee and as its general counsel. Before joining HunterMaclean, Dave practiced in Boston and New York, most recently with WilmerHale LLP, where he was a member of the firm's Litigation/Controversy Department and Business Trial Group. In 2010, Dave participated in the Advanced Advocates Program conducted by the National Institute for Trial Advocacy in Washington, D.C. Dave graduated from the University of Michigan Law School, cum laude, and received his bachelor's degree with honors from Columbia University in New York City.

REPRESENTATIVE ENGAGEMENTS

- Manage extensive docket of product liability cases for manufacturing client.
- Dismissal of federal antitrust and related claims on standing grounds after

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Massachusetts (inactive)

EDUCATION

University of Michigan Law School: J.D., cum laude, 2003

Columbia University: B.A., Political Science, with honors, 1999

AFFILIATIONS

American Bar Association

American Bar Foundation: Fellow

Savannah Bar Association

State Bar of Georgia

South Carolina Bar: Ethics Advisory Committee, 2013-2014

Product Liability Advisory Council

ALFA International

COMMUNITY WORK

Savannah Technical College Foundation: Executive Committee; Board of Trustees, 2018-Present, Chair, 2024-2026

United Way of the Coastal Empire: Board of Directors, 2022-Present; Campaign Cabinet, 2017-2021

Savannah Sports Council: Advisory Board, 2014-2025; Chairman, 2022-2023

Leadership Savannah: Class of 2014-2015

West Broad Street YMCA: Board of Directors, 2013-2016

Columbia Alumni Representative Committee: Member, 2000-2023

evidentiary hearing.

- Jury verdict for heavy equipment manufacturer in products liability case.
- Defense of injunction efforts of entity that formerly held maintenance contract at training center for federal law enforcement that sought to prevent new maintenance provider from employing its former personnel.
- Defense of oil company in lawsuit brought by minority shareholder alleging fraud and breaches of fiduciary duty by the company's directors, officers, and majority shareholder, leading to favorable settlement.
- Favorable settlement of breach of contract claim brought in federal court against Fortune 500 company by software maintenance provider that alleged the company had failed to properly terminate the parties' contract and thus exorbitant fees.
- Dismissal of class action lawsuit alleging litany of claims against payday lending company related to malfeasance by one of its former employees.
- Summary judgment for executor in federal lawsuit filed against beneficiary who refused to pay her share of the estate tax attributable to the significant estate assets she received.
- Filed lawsuit on behalf of commodities broker related to damage to its cargo and associated shipping delays, leading to favorable settlement.
- Arbitration award in favor of university on claims by dismissed students that the school violated their due process rights.
- Favorable settlement on behalf of party to loan participation agreement in lawsuit against limited liability company to which loan collateral was improperly transferred.
- Defense of lawsuit filed by manager of limited liability company demanding repurchase of member's interest at below-market price, leading to favorable settlement.
- Favorable settlement of dispute between real estate development partners regarding ownership of various interests in which they co-invested.
- Favorable settlement of claims between hospital and software provider related to alleged breaches of software license agreement.
- Filed lawsuit on behalf of physician practice to enforce terms of separation agreement with former member of the practice, leading to favorable

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RECOGNITION

Best Lawyers in America®: Commercial Litigation

Super Lawyers®: Business Litigation

Savannah Technical College: Community STAR Award

Super Lawyers®: Rising Stars

GenerationNEXT: Savannah's Rising Stars of Business

Martindale-Hubbell®: AV Preeminent® Rating

settlement.

- Favorable settlement of claims against limited liability company related to alleged professional malpractice by former owner of the company.
- Obtained injunction on behalf of hospital in dispute related to potential foreclosure on hospital's assets.
- Summary judgment for plaintiff business owner on claims including fraudulent inducement and breach of contract in connection with purchase of assets of a business.
- Dismissal of lawsuit alleging that billing practices violated the Fair Debt Collection Practices Act.
- Favorable settlement of professional malpractice claim on behalf of fiduciary's former client.
- Filed lawsuit on behalf of co-trustee seeking court direction given dispute with the other trustee regarding proper disposition of trust property, leading to breaking of the impasse.
- Dismissal of lawsuit alleging violation of compensation policy in employee handbook.
- Secured injunction barring former employees from competing against former employer in violation of restrictive covenants in their employment agreements.
- Favorable settlement of interpleader action on behalf of trust beneficiaries, resulting in substantial recovery of disputed funds.
- Successful opposition of preliminary injunction motion in breach of contract action brought by former employer against its former employee.
- Favorable settlement of dispute between film production company and producer concerning compensation and film credits.
- Confirmation of arbitration award issued in favor of bank after lengthy arbitration hearing on account holders' claims arising from fraud committed by investment advisor whose clients kept their assets with the bank.
- Dismissal of shareholder derivative suit alleging misleading public disclosures by brand management company.
- Jury verdict in favor of venture capital firm on claims for intentional inter-

ference with contract and business relations.

- Dismissal of RICO action on grounds of forum non conveniens, affirmed on appeal.
- Summary judgment on majority of claims brought by software provider against company that agreed to market and sell the provider's software to its own customers, leading to favorable settlement.
- Dismissal of related state and federal shareholder derivative suits alleging improper stock option backdating by a technology company's current and former officers and directors.
- Favorable settlement of eminent domain dispute on behalf of property owner.

ARTICLES

Legal Checklist for Your Business's Success in 2017
Published on February 15, 2017, in ***Business in Savannah***.

Questions to Consider Before Scaling Your Business
Published on July 20, 2016, in ***Business in Savannah***.

Legal Checklist for Success as you Grow your Business in the New Year
Published on January 21, 2015, in ***Business in Savannah***.

Plan Ahead to Avoid Disputes Among Your Beneficiaries
Published on August 1, 2014, in ***Elegant Island Living***.

Arbitration and Mediation vs. Litigation
Published on March 20, 2013, in ***Business in Savannah***.

Lessons From Trial
Published in ***ABA Criminal Litigation Newsletter*** (Fall 2006) and reprinted in ***The Young Litigator: Tips on Rainmaking, Writing and Trial Practice*** (First Chair Press, 2011).

PRESENTATIONS

Applying the Rules of Evidence: What Every Attorney Needs to Know
A National Business Institute (NBI) seminar presented on March 26, 2015, in Savannah, Georgia.

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Answers Over Easy: Legal Checklist for Success as you Grow Your Business
On January 14, 2015, Dave Burkoff presented "Legal Checklist for Success as you Grow Your Business" at HunterMaclean's Savannah office. This presentation was part of "Answers Over Easy," a series of breakfast and learns in partnership with the Savannah Small Business Development Center (SBDC).

Brunswick Chamber Lunch and Learn: Legal Checklist for Success as You Grow Your Business
A Lunch and Learn presented by David Burkoff and Sarah Lamar on October 16, 2014, at the Brunswick/Golden Isles Chamber of Commerce. The event was co-sponsored with the Chamber and the UGA Small Business Development Center.