

## David Massey

Partner

Miami

### Biography

David Massey understands that a company's most important strategic objectives are often achieved, or preserved, through litigation. Less often, a company's survival depends on the effectiveness of its litigation counsel. David focuses on being an advisor and business partner to clients with complex business challenges in high-stakes and bet-the-company matters.

In litigation, creative strategies, an effective client relationship, and a deep understanding of the client's business and key objectives are essential to delivering successful outcomes and defeating potentially fatal threats. David's experience in high-stakes matters and unique adeptness at crafting vital strategic advantages makes him a valued business partner when it really counts. He is a "lawyer's lawyer" that other attorneys often turn to when the stakes are high.

Prior to joining Hogan Lovells, David worked for another major law firm. He clerked for the Honorable K. Michael Moore, United States District Court for the Southern District of Florida. He also served as a judicial intern for the Honorable Henry B. Pitman, United States District Court for the Southern District of New York; the Honorable David G. Trager, United States District Court for the Eastern District of New York; and the Honorable Deborah Kaplan, Supreme Court, New York. David also



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### Practices

Litigation

Products Law

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### Industries

Consumer

Life Sciences and Health Care

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### Areas of focus

Class Actions and Group Litigation

Product Litigation

Food and Beverages

Pharmaceuticals and Biotechnology

served as a Sergeant in the infantry of the United States Marine Corps.

## Representative experience

Successfully represented world's largest cruise line in suit brought by vendor seeking commissions on bookings, with potential damages in excess of US\$1bn.

Successfully represented large international law firm with over 600 attorneys in professional negligence suit brought by a receiver seeking over US\$100m in damages.

Represent alcohol beverage supplier in one of the largest realignments of alcohol beverage distribution in United States history, with potential damages in excess of US\$2bn.

Represent largest health insurance company in the United States in ERISA litigation involving denial of millions of dollars of misrepresented claims.

Successfully represented one of the largest managed health care companies in the United States in suit brought by terminated independent physicians association.

Successfully represented world's largest privately-held, family-owned alcohol beverage manufacturer in product liability suit seeking US\$150m.

Successfully represented world's largest satellite radio broadcaster in suit for royalties for all broadcasts of pre-1972 sound recordings in Florida.

Successfully represented world's largest supplier of premium beverages in suit involving termination of international distributor.

Successfully represented world's largest marketer of branded consumer lawn and garden products in suits involving products with expired patents.

Successfully represented Panamanian financial

Hospitals and Health Care Providers  
False Claims Act

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## Education and admissions

### Education

J.D., Fordham University School of Law, 2007

B.S., University of Utah, 2002

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## Memberships

Miami Beach Community Health Center, Board of Directors, 2014-present

Silent Victims of Crime, Board of Directors, 2017-present

Federal Bar Association, Law Clerks Division, 2010-present

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## Bar admissions and qualifications

Florida

New York

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conglomerate after deal to acquire Ecuador's fourth-largest private financial institution failed.

Successfully represented one of Florida's leading business women in dispute over ownership of large commercial and residential real estate empire.

Successfully represented world's largest cruise line in whistleblower case brought by executive alleging retaliation for cooperating with federal grand jury investigation.

Successfully represented consumer products holding company and its executives in derivative shareholder lawsuits in New York and Delaware.

Successfully represented world's largest privately held, family-owned alcohol beverage manufacturer in distributor termination cases in five states seeking over US\$100m in damages.

Successfully represented ultra-premium hair care brands in numerous distributor terminations in Europe and Latin America.

Represented a leading health care company in a lawsuit for termination of a provider contract for violating the federal Beneficiary Inducement Civil Monetary Penalty statute.

## Awards and rankings

- United States Marine Corps, Presidential Unit Citation, National Defense Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Sea Service Deployment Award, Marine Corps Good Conduct Award, Marine Corps Armed Forces Reserve Medal, Meritorious
- Rising Stars, *Florida Super Lawyers*, 2015-2018

## Latest thinking and events

- ■ ERISA Litigation Pitfalls — The “Deemed Exhausted” Rule And Its Strict Compliance

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