

David J. Stein

Principal, Chicago

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David Stein serves as Vice Chair of the firm's Litigation practice and he is an experienced business and employment litigator representing clients across a wide variety of industries. His dispute resolution practice includes pre-litigation counseling through trial, in state and federal courts, and in arbitration. An effective advocate who is aggressive when appropriate, David is listed as an Illinois Super Lawyers "Rising Star" and a Leading Lawyers "Emerging Lawyer."

In his business litigation practice, David represents both plaintiffs and defendants in actions asserting breach of contract, breach of warranty (including manufacturing and design defect product liability claims), defamation, breach of fiduciary duty (including director and officer liability, and partnership disputes), common law and statutory fraud, tortious interference and other business torts. In addition, David is often called upon to protect clients' valuable intellectual property, including trade secrets, copyrights and trademarks. When the situation demands quick action, David both prosecutes and opposes motions for emergency relief, including motions for temporary restraining orders and preliminary injunctions. Notably, David was recently involved in successfully obtaining injunctive relief that resulted in the return of stolen client trade secrets and other company property.

David's employment litigation practice focuses on the defense of corporations in actions asserting employment discrimination and retaliation under Title VII, the ADEA, the ADA and other federal and state statutes, claims alleging violations of overtime laws including the FLSA and complimentary state statutes, as well as allegations of violations of the NLRA including unfair labor practices and retaliation against union organizing. David also routinely litigates matters involving the enforcement of non-competition and non-solicitation clauses.



Education

University of Illinois College of Law, J.D.,
summa cum laude, 2011; Order of the
Coif, Pro Bono Notation

Washington University, A.B. 2007

Admissions

Illinois

New York

Michigan

Supreme Court of the United States

U.S. Court of Appeals: 7th Circuit

U.S. Court of Appeals: 9th Circuit

U.S. District Court, Northern District of
Illinois (Trial Bar)

U.S. District Court, Central District of
Illinois

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

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

U.S. District Court, Northern District of
Indiana

U.S. District Court, Northern District of
Ohio

U.S. District Court, Eastern District of
Wisconsin

U.S. District Court, Eastern District of

David's proven ability to synthesize the individual and distinct problems each case presents into a successful litigation strategy is appreciated by clients and colleagues alike. Prior to joining the firm, David spent several years with a Chicago litigation firm where he developed his litigation practice defending individuals and business entities in commercial and employment disputes.

Experience

- Obtained preliminary and permanent injunction against former employee and his new company for alleged misappropriation of software source code and other trade secrets related to potential new product application which former employee worked on prior to separation from company. *Mitutoyo America Corporation v. Cox and Fast CMM, LLC*, No. 20-cv-03778 (N.D. Ill. Sept. 14, 2020).
- Obtained complete dismissal of Trademark and Copyright Claims filed in United States District Court against a domestic consumer electronics company by competitor located in Southeast Asia. Client retained all rights to pertinent trademark registrations in the United States, and as a part of a global resolution of worldwide disputes related to the pertinent trademark and copyright, client also maintained trademark registrations in European Union jurisdictions which allowed client to significantly expand distribution footprint into European marketplace (June 2020).
- Achieved complete dismissal of arbitration claims alleging violations of the Federal RICO Statute, common law fraud, and breach of contract, where initial claims requested in excess of \$450M in damages stemming from the bankruptcy and liquidation of the Plaintiff company; all claims initially filed in federal district court in the Southern District of New York and arbitration compelled based upon controlling contractual provision in pertinent contract documents (Sep. 2018).
- Obtained a preliminary injunction against a former employee and after-market service provider where the Court found a likelihood of success as to the Plaintiff's Defend Trade Secrets Act, Illinois Trade Secrets Act, breach of contract and tortious interference claims related to the former employee providing company property to the after-market company for use in servicing the Plaintiff's customers. After entry of the injunction by the Court, the case quickly settled on favorable terms. *Mazak Optonics Corp. v. Marlette*, No. 17-cv-1023, 2017 U.S. Dist. LEXIS 124629 (N.D. Ill. Aug. 8, 2017).
- Successfully defended a U.S. subsidiary of a Japanese company, a sister company and their Japanese parent from age discrimination claims alleged by a terminated manager with an initial demand of over \$1M obtaining a complete

Missouri

U.S. District Court, Eastern District of Michigan

Practice Areas

Litigation

Employment, Labor & Benefits

Commercial, Competition & Trade

Intellectual Property & Technology

dismissal of all claims. *Kotegawa v. MAC Funding, et al.*, No. 16-cv-4150 (N.D. Ill. Apr. 19, 2017).

- After a bench trial, achieved a verdict in favor of a corporate shareholder in a partnership dispute where the opposing party argued for dilution of the corporate shareholder's equity interest due to a failure to timely fund progress payments of cash into the company, with the Court ruling that the corporate shareholder made all required payments and maintained its 50% equity interest. *Bishop Technologies Ltd. v. DBCMF, LLC, et al.*, No. 14-cv-10329 (N.D. Ill. Feb. 28, 2017).
- Obtained summary judgment against former employee under the Michigan Whistleblowers' Protection Act where the Court held that the former employee failed to offer a disputed issue of fact that his former employer retaliated against him based upon the threat of reporting alleged illegal activity to the City of Detroit. The Court had earlier granted a motion to dismiss the former employee's related claims holding that the former employee could not maintain both a statutory and a common law cause of action under the same theory. *Yurk v. Applications Software Tech. Corp.*, No. 15-cv-13962, 2018 U.S. Dist. LEXIS 7244 (E.D. Mich. Jan. 17, 2018) (granting summary judgment); *Yurk v. Applications Software Tech. Corp.*, No. 15-cv-13962, 2017 U.S. Dist. LEXIS 22804 (E.D. Mich. Feb. 17, 2017) (granting motion to dismiss common law claim).
- Court granted a motion to dismiss, with prejudice, claims against the former parent company of the Plaintiff based upon the exclusive forum selection clause in the operative contract selecting South Korea as the venue for litigation. *DMC Machinery America Corp. v. FFG DMC Co., Ltd., et al.*, No. 16-cv-269, 2016 U.S. Dist. LEXIS 152494 (N.D. Ill. Nov. 2, 2016).
- In a three-panel arbitration before the American Arbitration Association, achieved victory for an optical development company where the arbitrators awarded nearly \$4M finding that the purchaser improperly withheld monies due under the supply agreement which governed the relationship between the parties (July 2016).
- Member of litigation team and lead drafter of Motions to Dismiss granted in District Court on behalf of private investigators in malicious prosecution and other improper prosecutorial conduct claims, with the District Court's ruling ultimately affirmed by the Seventh Circuit. *Bianchi v. McQueen, et al.*, 818 F.3d 309 (7th Cir. 2016).
- Obtained defense verdict at trial following partial summary judgment win while working with Chipotle's lead national counsel as to allegations of discrimination based upon race and national origin, and retaliation, among other related claims. *Bob-Manuel v. Chipotle Mexican Grill, Inc.*, 10 F.

Supp. 3d 854 (N.D. Ill. 2014).

- Secured defense verdict in favor of multiple defendants on claims of defamation and intentional infliction of emotional distress, with the Court granting a directed verdict in the defendants' favor on breach of fiduciary duty claims. *Svoboda v. Club Zobak, et al.*, 2011 L 286 (Circuit Court of Will County, Illinois, Dec. 12, 2014).
- Illinois Appellate Court affirmed dismissal of defamation claims against former officer of large non-profit organization, relying upon the substantial truth of the statements made, innocent construction, opinion, and qualified privilege. *Coghlan v. Beck et al.*, 2013 IL App (1st) 120891.
- Court granted motion to reconsider and dismissed all claims against client alleging civil rights violations pursuant to Title VI, Section 1981, and state law, relying upon attenuated relationship between the defendant and plaintiffs to hold that the Court lacked jurisdiction over the defendant. *Irving v. Chinese Christian Union Church, et al.*, No. 12-cv-8092 (N.D. Ill. 2013).

Memberships

- American Bar Association
- Chicago Bar Association - Young Lawyers Section, Executive Council, 2013-2016
- Legal Prep Academy High School, Associate Board, 2013-2016

Distinctions

- Illinois *Super Lawyers* - Rising Star, 2014-2022
- *Leading Lawyers* - Emerging Lawyer, 2015-2023
- Awarded Excellence in Pro Bono Service by the U.S. District Court for the Northern District of Illinois, 2017
- Recipient of the Chicago Bar Association "Young Lawyers Section Milton H. Gray Award for Outstanding Project Leadership" for work with the Legal Prep Charter Academy High School and its students and service on the school's Associate Board, 2013-2014
- *The Best Lawyers in America*, 2021