

Daniel J. Stujenske

Partner

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Biography

Dan Stujenske represents clients in complex commercial litigation and arbitration. His practice has included companies and individuals in a variety of industries, including real estate, finance, pharmaceuticals, retail and consumer products, and reinsurance. Dan has handled a wide range of disputes, including breach of contract litigation and arbitration, insurance coverage litigation, company-threatening class actions, and false advertising litigation between competitors. He also counsels clients on contractual and advertising matters in non-litigation and pre-litigation contexts.

Representative matters on which Dan has worked include:

- Counsel for Toll Brothers in first-party insurance coverage litigation, culminating in a steps-of-the-courthouse settlement.
- Counsel for Melrose Industries and GKN Aerospace companies in complex commercial litigation with a large aerospace customer.
- Lead trial counsel for a leading Los Angeles-based sports and media-focused investment bank and an SEC registered broker-dealer in a New York-based FINRA arbitration filed by an Australian start-up media company that sought to escape from its obligations to pay Dan's clients for investment banking services performed in connection with a global capital market fundraising effort during the COVID pandemic. After considering the pleadings, the overwhelming documentary evidence and witnesses' testimony presented at the 6-day arbitration hearing that established that the Australian company was the party in breach of the contract by refusing to issue warrants to Dan's clients pursuant to the contract, the FINRA arbitrators issued a final award denying all claims and relief sought by the Australian company, and ordered it to immediately issue warrants that were owed to Dan's clients.
- Counsel for Pfizer in federal litigation against a competitor regarding advertising for Children's and Infants' Advil.
- Counsel for Best Buy, Inc. in obtaining an appellate reversal of class certification in securities litigation and subsequently winning summary judgment dismissing the case.

- Counsel for Bayer and its predecessors in multiple proceedings before the National Advertising Division and the National Advertising Review Board relating to over-the-counter allergy medications.
- Counsel for United States Fidelity and Guaranty Co. in appellate proceedings and a jury trial seeking recovery under reinsurance contracts.
- Pro bono counsel for two individuals released from immigration detention, including successfully arguing an appeal that resulted in a landmark decision from the United States Court of Appeals for the Second Circuit confirming the constitutional right of people held in immigration detention to discharge planning for mental health illnesses.

Before joining Kibler Fowler & Cave LLP, Dan was a litigator at Simpson Thacher & Bartlett for 12 years.

Areas Of Practice

- Business Litigation
- Real Estate Litigation
- Financial Services Litigation
- Appellate Litigation

Education

- Columbia Law School, J.D., James Kent Scholar
- Georgetown University, B.A., *cum laude*

Bar & Court Admissions

- New York
- Pennsylvania
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Western District of New York

Experience

- Simpson Thacher & Bartlett LLP