

David Massey

Partner
Miami

Biography

David Massey understands that a company's most important strategic objectives are often achieved, or preserved, through litigation, and that its survival can sometimes depend on the effectiveness of its litigation counsel. David is an adviser and business partner to clients with complex business challenges in high-stakes and bet-the-company matters. David's adeptness at creating strategic advantages makes him a valued partner when it really counts. He is a "lawyer's lawyer" who other attorneys often turn to when the stakes are high.

David is a go-to lawyer for many of the nation's largest companies, including numerous Fortune 100 companies, and is lead counsel in many high-stakes litigations and arbitrations for clients nationwide. David regularly defends class actions, representing clients in the travel, transportation, telecommunications, and consumer products sectors, defending airlines, cruise lines, automotive manufacturers, mobile telecommunications providers, alcohol beverage suppliers, and beauty care brands. David advises clients in virtually every kind of litigation, including MDLs, receivership actions, product liability, product recalls, intellectual property disputes, COVID-19 litigation, domestic and international distributor terminations, and a myriad of breach of contract, tort, and antitrust actions. David has also represented companies in government investigations involving pharmaceuticals, hospitals, promotional products, and alcohol beverages, and regularly represents a wide variety of other clients



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Practices

Commercial Litigation

Litigation Services

Products Law

Industries

Consumer

Life Sciences and Health Care

Insurance

Automotive and Mobility

Technology and Telecoms

Areas of focus

Class Actions and Group Litigation

Product Litigation

including large developers, law firms, accounting firms, startups, and nonprofits.

David is also an experienced health care litigator and represents many of the largest managed care companies in class actions, MDLs, large-scale ERISA and other under-reimbursement cases, violations of the False Claims Act, Anti-Kickback Statute and Beneficiary Inducement CMP, health care fraud, regulatory enforcement actions, and other managed care litigation. David is also experienced in foreign and domestic arbitrations, including with respect to the FAA, the New York Convention, the Inter-American Convention, and matters related to confirmation, enforcement, petitions in aid of arbitration, § 1782 petitions and contempt.

David clerked for the Honorable K. Michael Moore, U.S. District Court for the Southern District of Florida. He also served as a judicial intern for the Honorable Henry B. Pitman, U.S. District Court for the Southern District of New York; the Honorable David G. Trager, U.S. District Court for the Eastern District of New York, and the Honorable Deborah Kaplan, Supreme Court, New York. David also served as a Sergeant in the infantry of the U.S. Marine Corps, including combat duty in Iraq.

Representative experience

Represent domestic automotive manufacturer in nationwide class action alleging failure to perform recalls.

Represent mobile telecommunications provider in receivership action seeking over US\$1bn in losses by investors in a Ponzi scheme.

Represent large managed care company in nationwide MDL concerning provider reimbursement of over 600,000 services.

Successfully represented alcohol beverage supplier in one of the largest realignments of alcohol beverage

Food and Beverages

Pharmaceuticals and Biotechnology

Hospitals and Health Care Providers

False Claims Act and Qui Tam

Education and admissions

Education

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

B.S., University of Utah, 2002

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

Bar admissions and qualifications

Florida

New York

distribution in United States history, with potential damages in excess of US\$2bn.

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 health insurer in nationwide class action alleging failure to provide coverage to all members for Hepatitis C treatment.

Successfully represented international alcohol beverage supplier in class action alleging adulteration of a widely distributed alcohol beverage product.

Successfully represented international passenger airline in nationwide class action alleging failure to provide cash refunds for cancellations during COVID-19.

Successfully represented insurer in nationwide class action alleging that insurance provided as an ancillary credit card benefit was illusory.

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

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

Successfully represented domestic automotive manufacturer in MDL concerning defective airbags.

Represent domestic automotive manufacturer in distributor termination.

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

Represent managed care companies nationwide in disputes concerning provider reimbursements for tens of thousands of services totaling hundreds of millions of dollars.

Successfully represented university hospital in connection with False Claims Act case brought by whistleblower in qui tam case.

Successfully represented largest managed health care company in the United States in ERISA litigation involving denial of millions of dollars of misrepresented claims.

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.

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.

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

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, 2000-2008

Latest thinking and events

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