



David R. Pahl

Senior Counsel

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David Pahl focuses his practice in the media, sport and entertainment sector. His experience includes:

- Sports and entertainment content acquisition, development and production
- Sports and entertainment content licensing and distribution, including new network launches
- Sponsorship and advertising transactions
- Media-related corporate acquisitions, ventures and investments
- Media talent retention

David has provided counselling and litigation management on copyright, trademark and rights of publicity infringement and licensing issues, as well as libel, defamation and First Amendment issues.

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- Media, Sport, Gaming and Entertainment

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EXPERIENCE

David Pahl joined DLA Piper in March 2016. Prior to that, David was with ESPN, Inc., for 28 years, serving as its Chief Counsel, the company's chief legal officer, for approximately 20 years. In that capacity, he had oversight responsibility for all of the legal affairs of the company, including content acquisitions and distribution, labor and employment, facilities, corporate acquisitions and divestitures, new business launches, litigation and compliance. During his tenure with ESPN, David participated in all of its major rights and programming acquisitions, including the first with both MLB and the NBA, the acquisition from the NFL of a full season of games (from what had been a half season), and the move of Monday Night Football to ESPN from ABC.

In addition to these high-profile deals, David has overseen or participated directly in the acquisition of essentially every form of recognized sports content and for essentially every type of medium. His practice also included the company's major sponsorship and advertising relationships. On the distribution side, David has participated in the launch of every sports programming service that followed the original ESPN service, including ESPN2, ESPNEWS, ESPN Deportes, ESPNU, the digitally delivered ESPN3, and the most successful launch of a programming service in history, the SEC ESPN Network. He has negotiated or overseen carriage and distribution agreements with all of the major MVPDs, including Comcast, DirecTV, Time Warner and Dish, as well as new entrants, such as SONY and Google Fiber. While at DLA Piper, David has represented FloSports, the Athletic, Al Jazeera and Univision (most recently in Univision's return to DISH Network after a lengthy blackout). He also continues to work for Disney/ESPN as well as Disney Streaming Services (f/k/a BAMTech).

David also directed ESPN's corporate acquisition and divestiture and joint venture activity, including the acquisitions of Classic Sports Network, Ohlmeyer Communications and the Cayton film library; the acquisition and divestiture of BASS, Inc.; the formation and disposition of ESPN Star Sports (venture with News Corp.); and ESPN's investments in NBA China and ACTIVE Network, Inc. David was the principal architect of ESPN's initial licensing agreement with EA Sports for sports-simulation video games; structured the transaction in which Al Michaels was released by ABC, in partial consideration for which The Walt Disney Company reacquired the rights to the classic cartoon character Oswald the Lucky Rabbit; and quarterbacked the licensing of ESPN's marks for Chinese- and Spanish-language versions of ESPN The Magazine. While at DLA Piper, David participated in AMC Network's acquisition of Levity Live, as well as the formation of BAMTech Europe.

In the litigation area, David had oversight responsibility and directed ESPN's strategy in, among other matters:

- *Dish v. ESPN*: claim by a satellite distributor for over US\$250 million arising out of alleged most-favored-nations violations – jury verdict for Dish of US\$4 million, US\$2 million of which had previously been reserved
- *EchoStar v. ESPN*: claim by a satellite distributor to entitlement to high-definition networks at no charge; counterclaim by ESPN for over US\$100 million in interest on overdue payments – complete jury verdict for ESPN
- *King v. ESPN*: claim of defamation by Don King in connection with a 30-for-30 documentary – ESPN's motion for summary judgment granted
- *Knievel v. ESPN*: claim for defamation by Evel Knievel in connection with a photograph caption saying Knievel was “pimping” (to convey his sartorial skills) – motion to dismiss granted
- *Leach v. ESPN*: claim by former coach of Texas Tech for, among other things, defamation and tortious interference – ESPN's motion for summary judgment granted
- *Marshal v. ESPN*: claim by former college athletes to entitlement to damages for, among other things, their allegedly unconsented appearance in live sports telecasts – motion to dismiss granted
- *Modi v. ESPN*: claim for damages of over US\$500 million for termination of a distributor in India; counterclaim by ESPN for US\$2 million in unpaid fees – complete jury verdict for ESPN

David also functioned as the principal liaison to the General Counsel of The Walt Disney Company, of which ESPN is an 80 percent subsidiary. While at DLA Piper, David has also assisted on a pro bono basis two applicants for asylum in the United States.

CREDENTIALS

Admissions

- Connecticut
- New York

Education

- J.D., University of Michigan 1979
Law Review, Order of the Coif, magna cum laude
- B.A., Beloit College 1975

INSIGHTS

Publications

***Allen v. Cooper*: Supreme Court affirms state sovereign immunity in copyright case**

30 June 2020

Under current copyright law, any effort by a state to provide alternate remedies for copyright infringement would be nullified by copyright preemption.

In-venue streaming and broadcasting of live sporting events – key legal issues for sports clubs and leagues

25 MAR 2019

Approaches to consider for US sporting event organizers seeking to combat peer-to-peer broadcasting of live events.

- "In-Venue Streaming and Broadcasting of Live Sporting Events – the key legal issues for sports clubs and leagues," *LawInSport*, March 20, 2019
- "United States Supreme Court - set to rule on decades-old sports gambling prohibition," May 10, 2018

Events

- Panelist, "Sports & Entertainment Law Panel with DLA Piper," Harvard Law School, April 10, 2018
- "Anatomy of a Sports Event License Agreement," Marbury Institute presentation, October 2016