



**David S. Sager**

**Partner**

david.sager@dlapiper.com

**New Jersey (Short Hills)**

T: +1 973 520 2570

F: +1 973 215 2604

David Sager's practice focuses on litigation arising out of mergers and acquisitions, class action defense, franchise litigation, and commercial disputes.

During a career of more than 25 years practicing law, David has litigated and arbitrated high-stakes business disputes across the United States and internationally, frequently on behalf of clients that he has represented and partnered with for decades. David has broad litigation and trial experience, including extensive experience on behalf of franchisors and distributors, and is a trusted legal advisor to several global brands.

David is a member of the firm's North American Pro Bono Committee.

- Litigation, Arbitration and Investigations
- Franchise

## REPRESENTATIVE ENGAGEMENTS

- A leading franchisor in obtaining judgment for millions of dollars against a former franchisee in Panama and judgment against the franchisee's counterclaims in the Southern District of New York.
- A leading importer and distributor of fresh fruits and vegetables in obtaining an injunction in Superior Court in New Jersey.
- A global hotel brand in an arbitration involving a former master licensee in the People's Republic of China.
- A leading timeshare exchange company in a consumer class actions, group actions, and arbitrations in pending in various federal and state courts in the United States and in the High Court of Justice in London
- The largest short stay and long term skilled care provider in the United States in an actions involving the construction and acquisition of facilities
- A leading hotel company in trials and litigation matters involving hotels across the United States, in Latin America and in the Middle East
- A consumer products company in a patent dispute pending in the District of New Jersey
- A leading residential builder in a real estate dispute in the District of Maryland
- On behalf of a national restaurant chain, obtained a preliminary injunction enjoining a former franchisee's unauthorized operation in the District of New Jersey in 2012

- On behalf of a diversified company, provided a successful defense in a 10-year litigation in the Western District of New York (Buffalo) arising from a US\$100 million divestiture
- A global manufacturer of hair products in a termination and infringement dispute with a US distributor in the District of New Jersey

## SELECTED OPINIONS

- *Wyndham Hotel Group International, Inc. v. Silver Entertainment LLC*, 2018 WL 1585945 (S.D.N.Y. Mar. 28, 2019), granting plaintiff's motion for summary judgment in part plaintiff's affirmative claims and defendants' counterclaims arising from the termination of a franchise agreement.
- *Madama v. Genesis Rehab Services*, 2014 WL 3695976 (D.N.J. July 24, 2014), granting defendants' motion for summary judgment on plaintiff's claims arising under section 43(a) of the Lanham Act and for violation of the common law right of publicity and unjust enrichment
- *Barton v. RCI, LLC*, 2014 WL 1293326 (D.N.J. Mar. 31, 2014), denying plaintiffs' motion to certify a class comprised of members of timeshare exchange program
- *Wyndham Hotels and Resorts, LLC v. Northstar Mt. Olive, LLC*, 2013 WL 1314747 (D.N.J. March 28, 2013), granting plaintiff's motion for summary judgment and finding defendant liable under sections 34 and 43 of the Lanham Act and for breach of the parties' franchise Agreement
- *Days Inn Worldwide, Inc. v. May & Young Hotel-New Orleans*, 2012 WL 6625627 (D.N.J. Dec. 19, 2012), entering trial judgment in favor of Days Inn Worldwide, Inc.
- *Grant v. Turner*, 2011 US Dist. LEXIS 49120 (D.N.J. May 6, 2011), granting defendant RCI's motion to dismiss in putative class action, including RICO claim
- *Robbins & Myers, Inc. v. J.M. Huber Corp.*, 274 F.R.D. 63 (W.D.N.Y. 2011), granting defendant Huber's motion to compel and for sanctions
- *Crete v. Resort Condominiums Int'l, LLC*, 2011 US Dist. LEXIS 14719 (D.N.J. Feb. 14, 2011), granting defendant RCI's motion to dismiss putative class action, including RICO claim
- *Goldwell of New Jersey, Inc. v. KPSS, Inc.*, 622 F. Supp. 2d 168 (D.N.J. 2009), granting, in part, manufacturer KPSS's motion for summary judgment
- *Days Inn Worldwide, Inc. v. BFC Management, Inc.*, 544 F. Supp. 2d 401 (D.N.J. 2008), granting summary judgment to Days Inn on claims for infringement under the Lanham Act and as to liquidated damages
- *Ramada Worldwide Inc. v. Sayo, Inc.*, 2007 US Dist. LEXIS 96010 (D.N.J. July 10, 2007), granting Ramada's motion for summary judgment as to liability and damages and denying defendants' motion to amend
- *Travelodge Hotels, Inc. v. Honeysuckle Enterprises, Inc.*, 2005 US Dist. LEXIS 27791 (D.N.J. Nov. 7, 2005), granting judgment in favor of Travelodge on its complaint and against defendants on their counterclaim after bench trial; aff'd, 244 Fed. Appx. 522 (3d Cir. 2007)
- *Ramada Franchise Systems, Inc. v. Cusack Development, Inc.*, 1999 US Dist. LEXIS 7422 (S.D.N.Y. March 24, 1999), granting Ramada's motion for summary judgment as to both its affirmative claims and defendants' counterclaims and upholding the liquidated damages provision in the parties' Franchise Agreement

## CREDENTIALS

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### Admissions

- New Jersey
- New York

### Prior Experience

Sager previously chaired the Commercial and Business Litigation practice and the Franchise and Distribution practice at a prominent business law firm.

### Recognitions

- *Chambers USA*, nationally ranked in franchising law since 2010
- *The Best Lawyers in America* (2006 – 2017)
- *Super Lawyers*, consistently peer ranked in business litigation and franchise/dealership law (2007 – 2009, 2012 – 2016)
- *Who's Who Legal, The International Who's Who of Business Lawyers* (Franchise 2013 – 2016)
- BTI Client Service All-Stars, BTI Consulting Group. One of only 307 lawyers honored for outstanding client service (2013 and 2017)

*For more information, pursuant to New Jersey Lawyer Advertising guidance, please click here.*

## Education

- J.D., Duke University
- B.A., University of Michigan  
with distinction

## Memberships

- American Bar Association, Litigation Section and Forum on Franchising
- Association of the Federal Bar of the State of New Jersey

## Civic and Charitable Involvement

- Board Member (Vice Chair) of and actively involved with BlinkNow, non-profit funder of Kopila Valley Children's Home, School, and Women's Center in Nepal

## INSIGHTS

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## Events

- Speaker, "What Could Possibly Go Wrong: An Overview of Indemnification, Insurance, and Other Significant Contract Provisions," Parsippany, NJ, October 7, 2014
- Speaker, "Equitable Doctrines and Legal Principles Affecting Franchise Disputes: Res Judicata, Collateral Estoppel, Waiver and More," American Bar Association's 36th Annual Forum on Franchising, Orlando, FL, October 16 – 18, 2013

## NEWS

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### **DLA Piper, nonprofits and attorneys achieve settlement agreement on behalf of Kansas foster children**

13 July 2020

DLA Piper recently achieved a settlement agreement as a result of the class action case *M.B. v. Howard* (originally *M.B. v. Colyer*), brought in November 2018 against state officials on behalf of more than 7,000 children in Kansas foster care.

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## PRO BONO

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David is actively involved in pro bono matters and causes and serves on the firm's North American Pro Bono Committee. David currently is working with Kansas Appleseed Center for Law & Justice, the National Center for Youth Law, and Children's Rights in representing a putative class of all foster children within the State of Kansas seeking to remedy the systematic shortfalls of the State's child welfare system.