



## Dakota M. Burns

Associate

[dburns@pbwt.com](mailto:dburns@pbwt.com)

212.336.2532

Dakota Burns is an Associate in the firm's Litigation department. From 2018 to 2019, Mr. Burns served as a Law Clerk to the Hon. Jane B. Stranch of the United States Court of Appeals for the Sixth Circuit. From 2015 to 2016, he served as a Law Clerk to the Hon. Gregory Van Tatenhove of the United States District Court for the Eastern District of Kentucky.

### **Representative Matters**

#### ***Commercial Litigation***

Represented major media and entertainment company in dispute concerning popular reality television series.

Represented multinational beverage companies in putative consumer class actions concerning product advertising and labeling.

Represented leading European industrial conglomerate in suits alleging trade secret misappropriation.

Represented global industrial equipment and service provider in contract dispute regarding terms of merger agreement.

Represented European bank in connection with allegations brought by asset managers, pension funds, and central banks concerning alleged manipulation of the foreign exchange market.

#### ***White Collar Defense and Investigations***

Represented prominent art museum in connection with investigations by the Manhattan District Attorney and U.S. Attorney's Office concerning the provenance of pieces in the museum's collection.

Advised art galleries and individual collectors on a range of issues, including provenance and ownership disputes, anti-money laundering laws, and compliance with sanctions programs.

Conducted internal investigations of companies and non-profit organizations in connection with allegations of commercial bribery and money laundering.

Conducted internal investigation of law firm in connection with allegations of malpractice brought by debtor in bankruptcy proceeding, and successfully negotiated settlement of claims with debtor.

## **Employment**

Assisted employers in drafting effective workplace policies that comply with state and federal regulatory requirements and meet individual workplace needs.

Advised employers on a range of employment issues, including those related to anti-harassment and discrimination policies, non-compete and non-solicitation agreements, leave and vacation policies, worker classification, and hiring and termination.

Conducted internal investigations on behalf of employers in connection with allegations of workplace harassment and/or discrimination.

## **Pro Bono**

Represented mother and son who sought asylum in the United States after facing threats of extortion and murder by gang members in El Salvador, and successfully obtained relief under the Convention Against Torture that enabled both to remain in the United States.

Authored *amicus* brief in the U.S. Supreme Court concerning the government's obligation under the Immigration and Nationality Act to conduct an individualized assessment of the propriety of detention of individuals seeking asylum in the United States.

Represented class of individuals asserting claims for deceptive business practices, unjust enrichment, and harassment against operator of three-quarter houses in New York. Successfully obtained multimillion-dollar damages award and injunctive relief.

Represented comic book artist in dispute with publisher involving unconscionable contract that purported to grant the publisher virtually all rights to the artist's intellectual property.

Authored *amicus* brief in the U.S. Supreme Court concerning the availability of damages awards under the Religious Freedom Restoration Act in connection with federal agents' unlawful placement of Muslim man on "No Fly List" in retaliation for his refusal to work as an informant in the American-Muslim community.

## **Admissions**

- New York

## **Education**

- Harvard Law School (J.D., *cum laude*, 2015)
  - Senior Editor and Submissions Board Member, *Harvard Environmental Law Review*
- University of Louisville (B.A., *magna cum laude*, 2010)

## **Publications**

- Co-Author, "['Mallory' Decision Could Have Profound Implications for Out-of-State Companies Registered to Do Business in NY](#)," *New York Law Journal* (July 10, 2023)

# **Blog Posts: Commercial Disputes Digest**

Patterson Belknap's Commercial Disputes Digest covers and analyzes developments related to practice and case law in high-stakes and complicated commercial disputes. Key developments from various state and federal court decisions are reviewed, including decisions handed down from the NY Commercial Division and Delaware Chancery Court. Our aim is to provide you with thoughtful and succinct analysis of today's most significant decisions and related legal trends. The digest is written by commercial litigators who have significant experience litigating commercial disputes throughout the country.

July 11, 2023

**'Mallory' Decision Could Have Profound Implications for Out-of-State Companies Registered to Do Business in NY**

This post originally appeared in the New York Law Journal. The court's decision in Mallory could have profound implications for larger-sized companies that operate in multiple states throughout the country. And nowhere is this truer than in New York,...

March 30, 2023

**Commercial Division Finds Alleged Obligations Under Term Sheet Constitute Unenforceable Agreement to Agree**

As we have written about previously, the Commercial Division has held that certain types of preliminary agreements between parties constitute unenforceable "agreements to agree" under New York law. To avoid this fate, a party seeking to enforce such...

November 30, 2022

**Commercial Division Considers Viability of Fraudulent Misrepresentation Claims Premised on Statements to Third Parties**

To state a claim for fraudulent misrepresentation in New York, the plaintiff typically must allege that the defendant made a false statement to the plaintiff. But what if the defendant made the disputed statement to a third party...

March 14, 2022

**Chief Judge DiFiore Proposes "Long Overdue" Overhaul of New York's Trial Court Structure**

New York's maze-like trial court system includes 11 separate trial courts, the most in the country. As New York practitioners are well aware, a single dispute may require a litigant to file related claims in multiple courts, resulting in...

February 17, 2021

**Commercial Division Finds Movie Theater Not Entitled to Business Interruption Coverage for COVID-19 Closures**

Last summer, we wrote about two principles of New York law that could provide a path to insurance coverage for businesses hit hard by the economic losses resulting from Governor Cuomo's COVID-19-related shutdown orders. Although we noted that businesses...

July 6, 2020

**Business Interruption Recovery in New York—Two Cases Might Help**

In the wake of punishing economic losses caused by Covid-19-related shutdown orders, business owners across New York have turned to their insurers for temporary relief in the form of business interruption coverage. If recent reports are any indication, however,...