



Martin H. Samson

Partner

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Martin H. Samson handles all aspects of civil litigation, including trial and appellate work, in litigations addressing a wide array of legal issues at DHC. These include breach of contract, the Internet, intellectual property, restrictive covenants, employment discrimination, real property law, not-for-profit law, environmental law, insurance law, fraud, civil RICO, shareholders' agreements, corporate acquisition, dissolution and management, telecommunications, finder's fees, guarantees, promissory notes and fraudulent conveyances.

Prior to joining Davidoff Hutcher & Citron, Mr. Samson was a litigation partner at Phillips Nizer LLP from 1990-2006. Mr. Samson learned his craft at Shea & Gould, with whom he was associated from 1982 until 1990.

Representative Matters

- Ongoing representation of founder of closely held corporations in litigation arising out of his improper removal from corporations
- Ongoing representation of member in arbitration seeking to compel the purchase of its interests in three closely held companies
- Represented estate in challenge to gift made by decedent to his lawyer on grounds of undue influence. Favorable decision reported at In re Estate of Schneiderman, 105 A.D. 3d 602 (1st Dept. 2013).
- As lead trial counsel, prevailed in 13-day bench trial, in which court confirmed that our clients had acquired title to real property valued at approximately \$8 million in a sale and lease back transaction, and ordered the transfer of the property to the clients due to adversary's default on its lease of the property. Court rejected adversary's claim that transaction was a disguised financing
- Obtained a defendant's verdict in a federal jury trial, completely exonerating our client from the charges of legal malpractice leveled against him
- Successfully represented condominium in suit with NY City Transit Authority challenging condo's



obligation to maintain a manned subway entrance in perpetuity.

- Successfully represented a large lender in an age discrimination suit filed against the company by its former general counsel
- Successfully represented a restaurant operator against sexual harassment, hostile work environment, sex discrimination and retaliation claims advanced by multiple plaintiffs seeking over \$100 million in compensatory and \$500 million in punitive damages
- Successfully represented a book publisher in nominative fair use case arising out of publication of a book incorporating the title and logo of adversary's movie in the book's title and cover. Case settled on terms favorable to client
- Represented corporate officers in shareholders' derivative suit challenging the compensation officers received over 10 year period on grounds of corporate waste. Obtained favorable decision after 12 day bench trial, upholding payment of all but 1% of compensation received
- Successfully represented Not-For-Profit in lawsuit contesting its right to sell its headquarters to third-party
- Successfully represented shareholder in closely-held corporation in dispute over control of company.
- Successfully represented developer in suit with lender seeking recovery of sums claimed due on loan.
- Successfully represented employer in action to enforce restrictive covenant against former president and competitor who hired him
- Successfully represented the operator of a subscription web site in a copyright infringement suit arising out of a customer's unauthorized posting of site articles on its own web site
- Successfully represented the registrant of a domain name in a UDRP dispute with the holder of a federally registered trademark
- Defended a web site developer in a dispute arising out of its development of a client's web site
- Defended a retailer wrongly accused of sending spam to advertise its products

Publications

- "What Attorneys Can and Cannot Say In and About Litigation," New York State Bar Association Journal, July/August 2010
- "Where Oh Where Have My Employees Gone Online", N.Y.L.J., September 25, 2006
- "The Anticybersquatting Consumer Protection Act: Key Information", N.Y.L.J., September 12, 2005, and Internet Law & Business, February 2006
- "Pruning the Gripe Vine", Corporate Counsel, January 2005



- "Click-Wrap Agreement Held Enforceable," N.Y.L.J., June 30, 1998
- "Hyperlink at Your Own Risk," N.Y.L.J., June 24, 1997
- "Trademark Lawsuits in Cyberspace," N.Y.L.J., December 2, 1996
- "How to Conduct Business with an Eye Toward Litigation," N.Y.L.J., January 18, 1996
- "Internet Cases of Interest" column for the National Law Journal's Internet Newsletter, 1997 to 1999

Mr. Samson has been quoted extensively in a number of publications, including

- USA Today, "Some CEOs Surf Web To See How They're Being Portrayed", Dec. 28, 2004
- The NY Times Cybertimes, "Is Linking Always Legal: The Experts Aren't Sure", August 6, 1999
- The NY Times Cybertimes, "Ticketmaster and Microsoft Settle Linking Dispute", February 15, 1999
- Web Host Industry Review Magazine, "DMCA: Protecting the Providers," March 2003

Practices

Commercial Litigation, Employment Law, Intellectual Property

Admissions

- New York
- New York State Bar Assn. Internet Law Committee
- California

Education

UCLA School of Law, J.D., 1981

Duke University, A.B., *magna cum laude*, 1977