



Daniel M. Poniatowski

ASSOCIATE

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AREAS OF EXPERTISE

Litigation, Fiduciary Duty/Shareholder & Partnership Disputes, Trusts and Estates, Real Estate, Intellectual Property

Overview

Mr. Poniatowski joined the Firm's Litigation Department in 2015.

He has extensive experience handling litigation and related advisory for businesses of all types, whether an established company or a startup, and whether publicly traded or closely held. He specializes in general business litigation, including contract disputes, business torts, business entity governance and dissolution matters, trust and estates-related matters, real estate-related matters, and intellectual property-related matters. Mr. Poniatowski has represented clients in state and federal courts and arbitration through virtually all phases of litigation. His goal is to achieve the best possible results for his clients as efficiently as possible.

Before becoming a lawyer, Mr. Poniatowski worked in New York as a management consultant advising prominent companies on performance improvement initiatives. He is a native of the San Francisco Bay Area.

Experience

The following is a sample of the matters Mr. Poniatowski has handled:

- Represented Native American tribe owner of major casino in breach of contract lawsuit initiated by former management company of casino. In two-and-a-half week arbitration before a highly-experienced panel that included two retired judges, examined multiple witnesses, including cross-examination of management company's damages expert. Secured favorable award for client which included a finding of no damages on the management company's largest and central claim.
- Represented investment advisor services provider in breach of contract, breach of duty, embezzlement, and business tort lawsuit against former manager of the company. Second chaired week-long arbitration, examining multiple witnesses and helping secure complete award in favor of client.
- Represented real estate holding company owning valuable portfolio of several investment properties in breach of contract, breach of duty, and business tort lawsuit initiated by minority owner and former manager of the company in California state court. The case settled favorably on the eve of jury selection and trial for a small fraction of the amount of damages sought by the plaintiff.
- Represented founder and co-owner of major wholesale produce distributor in "business divorce" ownership dispute with other co-owner of the corporation in California state court. Briefed and argued multiple contested motions under California corporate shareholder buyout statute, achieving full control of the company for client.
- Represented a managing member of a real estate holding company LLC in a dispute with another member over control of the LLC's principle property and interpretation of a buyout provision under the LLC's operating agreement in California state court. Drafted briefing and assisted in successful opposition of motion to appoint receiver to run the company and other injunctive relief, and drafted appellate briefing on buyout provision interpretation issues. Achieved settlement ensuring control of company to client.
- Represented event ticket services software company in breach of contract and tort action against nine business entities and two individuals that had absconded with the client's funds in California state court. Obtained judgment, secured liens on assets of judgment debtors, and executed collection of full amount owed to client.

- Represented the Special Litigation Committee of the Apple Board of Directors (the “SLC”) performing an internal investigation relating to the eBooks antitrust litigation and drafting two SLC Reports. *In Re Apple Inc. E-Book Derivative Litigation*.
- Assisted in substantive research and argument strategy in preparation for the firm’s oral argument on behalf of Alameda County before the United States Court of Appeals for the Ninth Circuit. The firm successfully defended a cutting-edge County ordinance requiring drug companies to dispose of unwanted prescription drugs within the County against challenge under the United States Constitution by pharmaceutical manufacturers and distributors. *Pharm. Research & Mfrs. of Am. v. County of Alameda*, 768 F.3d 1037 (9th Cir. 2014).
- Handled various advisory and dispute resolution strategy matters involving: business breach of contract and tort allegations; governance of corporations, partnerships, and LLC’s; conflicts among shareholders, partners, and LLC members; trust disputes involving trustees, beneficiaries, and handling of trust assets; ownership and management of real estate; and intellectual property and technology ownership involving patents, copyrights, and trademarks.

Publications/Speaking

CLIENT ALERT: ADA Website Requirements, December 16, 2019, by Erick C. Howard and Daniel M. Poniatowski, available at <https://www.sflaw.com/client-alert-ada-website-requirements/>

“A Constructive Problem: Redemption of Unlawful Arrests via Fusion Centers,” 2014 Wis. L. Rev. 831

Professional Activities

Bar Association of San Francisco, Member

Association of Business Trial Lawyers of Northern California, Member

Wesleyan Lawyers Association, Bay Area Regional Representative

Wesleyan University Alumni Association, Bay Area Regional Representative

Rotary Club of San Francisco Evening, Past President (2021-22) and current Board Member and Community Service Chair

Education

Wesleyan University

B.A., in Economics, Sociology, 2008

University of Wisconsin Law School

J.D., *magna cum laude*, Order of the Coif, 2015

Admissions

California State Bar

All California State Courts

U.S. District Court for the Northern District of California

U.S. District Court for the Eastern District of California

Wisconsin State Bar

Accolades

Named a “Rising Star” in Northern California by SuperLawyers.com in 2021, 2022, 2023, and 2024

J. Michael Riley Award for excellence in the study of tort law

George Laikin Award for best student article on a general interest topic in the Wisconsin Law Review

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Rising Stars

Daniel M. Poniatowski

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