



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.

His practice focuses on contested and advisory matters involving businesses of all types, whether an established company or a startup, and whether publically traded or closely held. His practice also includes trusts and estates matters, real estate matters, and intellectual property matters. Mr. Poniatowski has represented clients in state and federal courts and alternative dispute resolution forums through virtually all phases of litigation. His goal is to achieve the best possible results for his clients as efficiently as possible.

While in law school, Mr. Poniatowski served as an Articles Editor for the Wisconsin Law Review, was a member of the Moot Court Board, and served as an extern for the Honorable Roger L. Efremsky in the U.S. Bankruptcy Court for the Northern District of California.

Before becoming a lawyer, he worked as a management consultant for several years 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 the founder and co-owner of the largest wholesale produce distributor in the Bay Area (over \$100 million in annual sales) in a "business divorce" ownership dispute with the other co-owner of the corporation. Briefed and argued multiple contested motions under California corporate shareholder buyout statute (Corporations Code Section 2000), ultimately achieving full control of the company for client on favorable terms.
- Represented a managing member of a California real estate holding company LLC in a dispute with another member over control of the LLC's principle asset, a \$5 million rental property, and interpretation of a buyout provision under the LLC's Operating Agreement. Drafted briefing and assisted in successful opposition of motion to appoint a receiver to run the company and other injunctive relief, and drafted appellate briefing on buyout provision interpretation issues. Achieved favorable settlement ensuring control of company to client.
- Represented trustee of trust that co-owned San Francisco rental property with another trust and that was sued by the co-owner for alleged improper management of the property and an accounting. Achieved favorable resolution wherein property was sold by a private fiduciary for over \$3 million and the proceeds divided according to ownership interest, accounting was completed, and no liability or damages were assessed against client.
- Represented event ticket services software company in breach of contract and tort action against nine business entity customers and two individual customers that had absconded with the client's funds. Obtained default judgment, secured liens on assets of judgment debtors, and executed collection of full amount owed to client under the contract, including interest.
- 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).
- Various advisory and dispute resolution strategy matters involving: business breach of contract and tort allegations; governance of corporations, partnerships, and LLC's and related employment issues; 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, including patent infringement and licensing.

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

Member, Bar Association of San Francisco

Member, Association of Business Trial Lawyers of Northern California

Bay Area Regional Representative, Wesleyan Lawyers Association

Bay Area Regional Representative, Wesleyan University Alumni Association

President, Rotary Club of San Francisco Evening (2021-22)

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

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

Named a "Rising Star" in Northern California by SuperLawyers.com in 2021