



## David A. Coon

Partner  
dcoon@selendygay.com  
212 390 9323

David A. Coon is a litigator specializing in [complex commercial disputes](#), appeals, and regulatory and enforcement investigations. David routinely represents plaintiffs and defendants in New York federal and state courts and the Delaware Court of Chancery, as well as in arbitrations and federal courts around the country. He has a stellar track record of winning high-profile appeals in the Second Circuit and U.S. Supreme Court.

David has extensive experience representing investment firms and other public and private companies in high-stakes commercial disputes, including high-value contract disputes and structured products litigation. He has litigated [corporate governance](#) and fiduciary duty disputes on behalf of companies and individuals.

David frequently represents investment funds in connection with lender-on-lender disputes, which have become increasingly common as borrowers (distressed or otherwise) use so-called “liability management transactions” to access new capital. David is a member of Selendy Gay’s industry-leading team representing lenders excluded from such deals when they seek to vindicate their rights as creditors by going to trial. David’s deep expertise also includes representing plaintiffs in [class actions](#) and individuals in internal investigations and high-stakes employment disputes.

David is ranked by *The Legal 500* in the area of General Commercial Disputes, was named to *Benchmark Litigation’s* 2024 40 & Under guide, was recognized in *Best Lawyers’* 2024 and 2025 lists of “Ones to Watch” in the publication’s Appellate category, and was named to *Super Lawyers’* 2023 and 2024 New York Metro “Rising Stars” lists.

### Representative Matters:

- **Lions Gate:** Representing plaintiff Thebes Offshore Master Fund, LP in litigation against Lions Gate, certain of its noteholders, the indenture trustee, and Eagle Equity Partners, for breaches of contract, breach of the implied covenant of good faith and fair dealing, and tortious interference in connection with a non-pro-rata debt exchange scheme executed as part of the defendants’ effort to separate Lions Gate’s studio business from the unprofitable STARZ business.
- **Ligado Networks:** Representing Ligado Networks, a satellite communications company, in a matter concerning the alleged interference by the Department of Defense, Department of Commerce, and the National Telecommunications and Information Administration with a mobile satellite services license granted to Ligado by the Federal Communications Commission to operate within certain defined bands of the electromagnetic spectrum. The complaint alleges that the license constitutes property protected by the Fifth Amendment and that the agencies’ actions are an unconstitutional taking of that property. In November 2024, the U.S. Court of Federal Claims denied in part the U.S. government’s motion to dismiss Ligado’s complaint, ruling that the majority of Ligado’s claims, which seek just compensation for the government’s physical, categorical, and regulatory takings of Ligado’s property, must proceed.
- **STG Logistics:** Representing Siemens Financial Services and Axos Financial in litigation against STG Logistics, certain of its lenders, and the administrative agent of the loans for violation of the governing credit agreement in connection with a liability management transaction that transferred

away critical credit support for the plaintiffs' loans. Plaintiffs allege that the credit agreement did not allow the defendants to amend it without plaintiffs' consent or to strip the collateral support from plaintiffs' loans, and that, even if it did, defendants acted in bad faith and violated New York law by executing a transaction designed to undermine plaintiffs' bargained-for rights.

- *Crypto-asset investors*: Representing a putative class of investors in a class action against Binance, one of the world's largest crypto-asset exchanges, for allegedly offering and selling billions of dollars of unregistered digital tokens and other financial instruments to investors in violation of federal and state law.
- *Crypto-asset investors*: Representing investors who traded TRX, a crypto-token created by the TRON Foundation, in a case alleging that the company and its founder misled investors by promoting, offering, and selling TRX in violation of federal and state securities laws. The U.S. District Court for the Southern District of New York denied the defendants' motion to dismiss, allowing our clients' Securities Act Section 12(a)(1) and related control person and state law securities claims to proceed to discovery.
- *Matterport*: Represented a leading real estate technology company, Matterport Inc., against its former CEO following its loss in a phase one trial regarding the effectiveness of the company's post-SPAC by-laws to lock up legacy shareholders. As new counsel in a five-day phase two trial in the Delaware Court of Chancery, defeated all remaining claims and cut the plaintiff's damages in half on the claim lost in phase one.
- *Trump v. Vance*: Served as co-counsel to Cyrus Vance, then the Manhattan District Attorney, in a lawsuit by then-President Donald Trump asserting that the Constitution gives a sitting President absolute immunity from any form of criminal process or investigation, and therefore prohibited enforcement of a New York grand jury subpoena to the President's personal accounting firm for financial records relating to the President and business organizations affiliated with him. The U.S. Supreme Court ultimately issued a landmark decision reaffirming the centuries-old principle that "no citizen, not even the President, is categorically above the common duty to produce evidence when called upon in a criminal proceeding."
- *Markel CATCo*: Represented retrocessional reinsurer of catastrophe events in a \$300 million suit in the Delaware Court of Chancery against D.E. Shaw, an insurance-linked security investor, which sought to unilaterally change the terms of its contract. The investor ultimately abandoned its effort to change the contract.
- *American Federation of Teachers union*: Represented members in a settlement of a nationwide class action lawsuit with Navient, one of the nation's largest student loan servicers, challenging Navient's practices with respect to advising federal student loan borrowers on Public Service Loan Forgiveness (PSLF). David and the team secured a novel class settlement under which Navient agreed, among other things, to enhance its practices for public service workers (teachers, nurses, Legal Aid workers, firemen and policemen, for example) and, in addition, to contribute millions to a nonprofit organization that provides education and student loan counseling to public service workers. Selendy Gay successfully secured a unanimous affirmance of settlement approval on appeal in front of the U.S. Court of Appeals for the Second Circuit. In April 2023, the U.S. Supreme Court denied the petition for certiorari, allowing the settlement to stand.

Before joining Selendy Gay, David served as a law clerk for the Honorable Dennis Jacobs of the U.S. Court of Appeals for the Second Circuit. David earned his J.D. *cum laude* from Harvard Law School, where he was a senior editor of the Harvard Business Law Review and represented indigent criminal defendants in the Criminal Justice Institute clinic. Before law school, he was an analyst at a major financial services institution in New York.

## Education

**Harvard Law School**

(J.D.)

*Cum laude*

**Cornell University**

(B.S., Industrial and Labor Relations)

**Prior Associations**

**Law Clerk to the Hon. Dennis Jacobs**

U.S. Court of Appeals for the Second Circuit, 2018-2019

**Gibson, Dunn & Crutcher LLP**

Associate, 2016-2018

**Admissions**

- State Bar of New York
- United States Supreme Court
- United States Court of Appeals for the Second Circuit
- United States District Courts for the Southern District of New York, Eastern District of New York