



## Daniel (Dan) D. Zegura

Partner | Atlanta

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### Areas of Practice

Litigation/Trial Practice | Technology | Intellectual Property | Intellectual Property Litigation | Trade Secrets | Copyright Law | Trademark Law | Labor and Employment Practice | Cybersecurity & Data Privacy | Corporate Governance

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Daniel Zegura is a partner at Smith Gambrell Russell, practicing computer law, intellectual property, business litigation, and employment law. Mr. Zegura represents major computer software and technology firms in various litigation and technology matters, including copyright, trademark, trade secret, licensing, ERP implementation, and software disputes. Mr. Zegura's practice also emphasizes cases involving unfair competition, restrictive covenants, business torts, contests for corporate control, class actions, and derivative action defense in addition to technology-related litigation. In the employment arena, Mr. Zegura primarily represents companies and management regarding employment issues, employment testing, and selection procedures, client counseling and education, as well as litigation. Mr. Zegura frequently speaks on topics pertaining to intellectual property, data and computer security, employment law, and litigation practice and procedure.

Mr. Zegura is recognized in *The Best Lawyers in America*® in Litigation-Intellectual Property and Litigation-Labor and Employment. He was recognized by Super Lawyers as a leading lawyer from 2013-2019 and was recognized as the 2013 Top Rated Lawyer-Technology by Martindale-Hubbell.

Mr. Zegura earned his B.A., *magna cum laude*, in Economics and his J.D. from Washington University where was Order of the Coif, Associate Editor of the Washington University Law Quarterly, Champion and High Oralist Wiley Rutledge Moot Court, and recipient of the Samuel M. Breckinridge Practice Court Award.

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## Experience

- Lead trial counsel defending a major **ERP software vendor** against a \$68,000,000+ customer claim related to an alleged failed ERP implementation. Obtained dismissal of all customer claims on summary judgment with the dismissals upheld in all respects on appeal.
- Lead trial counsel obtaining a seven-figure award on behalf of a **technology client** in the travel industry after merits arbitration hearing.
- Lead trial counsel defending a **technology client** in the travel industry against seven-figure arbitration demand. Obtained an award in client's favor after merits arbitration hearing.
- Lead trial counsel defending a major **securities brokerage firm** against seven-figure discrimination and wrongful termination claim by a former broker employee. Obtained award in client's favor after merits arbitration hearing.
- Successfully obtained dismissal on summary judgment of claims over 1,800 separate individual plaintiffs against a **major airline carrier** for alleged fraud and breach of contract related to flight attendant seniority. The dismissals were then affirmed on appeal in all respects.
- Successfully defended officers and directors in a double and triple derivative action raising novel issues regarding corporate realignment, the power to control the direction of corporate claims, and the standards for approval of derivative action settlements. The favorable trial court disposition was affirmed on appeal in all respects.
- Successfully prosecuted claims for a **technology company** seeking to prevent wrongful termination of a client contract thereby preserving for our client a seven-figure annual income stream.
- Successfully obtained dismissal of claims against a major **ERP software vendor** based on novel interplay of choice of law and venue provisions in multiple agreements. Dismissals were then affirmed on appeal.
- Successfully presented infringement and license compliance claims against **business software customer** based on non-compliant use of ERP software. The matter settled while motions for summary judgments were pending.
- Obtained summary judgment on behalf of a **major domestic airline** defending sexual harassment claims raising novel evidentiary and legal issues about the timing and severity of independent or separate acts of alleged harassment. The dismissal was affirmed in all respects on appeal.

### *Board of Director and Special Committee representations*

- Representation of a special committee of the board of a **Fortune 100 public company** and led the investigation of allegations of harassing behavior by the company's CEO and advised as to remedial actions which resulted in no adverse publicity or legal actions being asserted against the company.

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- Representation of a demand evaluation committee of the board of an **S&P 400 company** in connection with shareholder demands made in connection with a securities class action currently pending in the 11th Circuit Court of Appeals and the Northern District of Georgia.
- Representation of the board of directors of a **public assisted living company** in connection with alleged wrong-doing by the company's CEO resulting in no adverse publicity, suit or legal action against the company.
- Representation of the board of directors of a prominent **private university** in connection with the performance and status of the university's senior leadership resulting in no adverse publicity, suit or legal action against the university.
- Representation of a female executive of an **S&P 600 company** in connection with hostile work environment and retaliation claims against the company's CEO. Worked opposite counsel for the company's board of directors to resolve the matter on favorable 7-figure terms and resulting in the removal of the CEO.

### *Business litigation matters*

- Representation of a **seller group** in connection with escrow issues arising out of multiple DOJ investigations arising out of sale of radiology practice. Issues were recently resolved on favorable terms to sellers which included release of seven figure funds from the escrow and establishing reduced caps on any future liability to the sellers resulting from the on-going investigations.
- Representation of the **owner and president of a prominent NFL sports agency** in dispute with a key employee who claimed ownership rights in the agency. Matter was recently resolved on favorable terms.
- Representation of a **major engineering firm** in trade secret claims against several departing officers and a direct competitor. We obtained favorable rulings in the Southern District of Georgia on issues of arbitrability and the matter settled on favorable seven figure terms on the eve of merits hearing.
- Representation a prominent neurologist in connection with a partnership dispute among the practice owners. Matter was the first significant case in the new state-wide business court. We successfully obtained injunctive relief on several issues including preventing the other partners from taking actions unfavorable to our client and obtained a declaration voiding the voting interests of one of the adverse partners and thereby preserved our client's effective voting control.
- Representation of a prominent **private university** in an intellectual property dispute with one of its professors regarding ownership and commercialization of patented medical technologies. Matter settled on favorable terms.
- Representation of a **manufacturer of ceramic grills** in patent and trade dress litigation pending in the Northern District of Georgia.
- Representation of a **major international software firm** in connection with its hiring of a new executive from a putative competitor. Matter was settled on favorable terms despite binding precedent in the Middle District of Georgia upholding the enforceability of the covenants at issue.

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### *Counseling matters*

- Ongoing representation as lead outside employment counsel for several companies ranging from small and mid-sized companies to a major regional bank.
- Ongoing representation as lead trademark counsel and portfolio manager for several companies ranging from small and mid-sized companies to a major distributor of natural gas.
- Representation of several professors associated with major research universities in connection with issues within the university and in connection with start-up, IP and employment issues outside of their institutions.
- Ongoing representation as lead licensing counsel for several high tech companies.

### **Admissions**

Georgia

Missouri

Illinois