Fisher Phillips

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Service Focus

- Artificial Intelligence
- eDiscovery and Digital Workplace
- Employee Defection and Trade Secrets
- Litigation and Trials
- Privacy and Cyber
- Consumer Privacy Team

Industry Focus

- Sports

Trending

- CCPA Resource Center

Overview

David Walton is a partner in the firm's Philadelphia office and Chair of the firm's Artificial Intelligence Team, advising clients and formulating strategy for addressing the rapidly evolving challenges presented by the emerging role of AI in the workplace.

Dave's work with AI is a natural outgrowth of his many years working at the intersection of technology and law. Since the 1990s, Dave has focused his practice on trade secrets, restrictive covenants and employment litigation, but with a particular emphasis on using legal innovation and evolving technologies to help achieve clients' desired outcomes and enhance the delivery of services. He brings deep experience in labor and employment law, trade secrets, electronic discovery, privacy, data security and computer forensics to clients' issues. A creative thinker and savvy negotiator, Dave devises cost-effective and pragmatic approaches to mitigate clients' risks and achieve business goals..

His trial work, especially in the area of trade secrets, has been nationally recognized. Professor Adam Grant of the Wharton School of the University of Pennsylvania focused on one of Dave's notable trials in his best-selling book, *Give and Take*. Dave has litigated numerous trade secret and restrictive covenant matters, as well as employment discrimination cases, ERISA disputes, and executive employment contract cases. In traditional labor matters, Dave has secured mass-picketing injunctions and successfully negotiated collective bargaining agreements. He has extensive experience handling large trade secret and mass employee mobility cases that involve 50+ depositions and multi-week trials. In one case, he secured what is believed to be the largest jury award ever for a claim under the Pennsylvania Uniform Trade Secrets Act. Dave regularly handles cases involving these sophisticated issues across a variety of industries, and against some of the largest and most well-known law firms in the country.

A Certified Information Privacy Professional (CIPP/US), Dave frequently writes and speaks on legal technology, digital forensics, cyber law, e-discovery and employment litigation. He also recently obtained a Certification in Data Analytics from the Wharton School of the University of Pennsylvania.

Recent Experience

Experience
Trade Secrets/Restrictive Covenants

- Won a record $7 million jury award based on a 3-week jury trial, representing the largest ever for a claim under the Pennsylvania Uniform Trade Secrets Act.

- Successfully defended a large real estate company in a 6-week jury trial involving claims based on hiring a manager from a competitor, resulting in a 7-figure attorney fee award against the plaintiff.

- Secured a TRO for a publicly traded insurance company against three former top executives. Resolved case based on entry of a stipulated injunction that contained significant post-employment restrictions against the former executives.

- Worked closely with the Federal Bureau of Investigations and the Department of Justice to secure a 33-month federal prison sentence for a former employee of client after he hacked into the client's CRM system and used the database while working for a competitor. Sued competitor and secured a 7-figure settlement.

- Won preliminary injunctive relief for Pennsylvania-based client in the wellness industry that faced efforts by MGM Resorts International and Life Time Fitness, Inc. to develop a competing business in Las Vegas. Achieved favorable settlement.

- Successfully represented an international packaging solutions company in a case centering on allegation that the client had hired a senior employee in violation of a non-compete agreement. Received voluntary dismissal of 7-figure lawsuit.

Employment Litigation

- Secured a favorable settlement, including plaintiff's agreement to resign from employment with client in a highly contentious matter for claims brought under the FMLA and the New Jersey Law Against Discrimination.

- Successfully negotiated resolution to an investigation by the Pennsylvania State Department of Revenue and the Internal Revenue Service centering on alleged misclassification of employees by our client, a large distributor of organic foods.

- Used technology-assisted review to mine a 2-million-page data dump, produced two weeks before depositions began in a high-stakes trade secrets case. Located critical evidence and received 7-figure settlement at deposition.

- Won summary judgment for a large, Fortune 500 client in an ERISA claim involving anti-cutback rules. Saved client more than $50 million in potential liabilities.

- Won summary judgment and defeated plaintiffs' Rule 56(d) motion in a case where two former employees whose employment was terminated as part of a reduction in force brought multiple claims against client under 42 U.S.C. § 1981.

- Won special injunction for large client engaged in manufacturing and distributing of computer networking components. Worked closely with computer forensic experts to determine new employee used evidenceeliminator.com to wipe information from a key computer. Defendants agreed to a favorable settlement for client.

Credentials

Education

- J.D., 1995, University of Richmond School of Law

- B.S.Ed., 1991, Ithaca College

Bar Admissions

- New Jersey

- Pennsylvania

- Virginia

Court Admissions

- U.S. District Court for the Eastern District of Pennsylvania

Insights

INSIGHTS   04/10/24

Big Workplace AI Implications Buried in Groundbreaking Data Privacy Proposal: What Employers Need to Know

Usama Kahf, Richard R. Meneghello, David J. Walton

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INSIGHTS   04/01/24

Workplace Law Update: 10 Essential Items on Your April To-Do List

Sheila M. Abron, Nazanin Afshar, Steven M. Bernstein, Amanda M. Blair, Kathleen McLeod Caminiti, Michael D. Carrouth, Robert C. Christenson, J. Micah Dickie, Benjamin M. Ebbink, Usama Kahf, Stephan Kendall, Todd B. Logsdon, Kile E. Marks, Joshua D. Nadreau, Raymond W. Perez, John M. Polson, Robin Repass, Jennifer B. Sandberg, Andrew J. Sommer, J. Hagood Tighe, Travis Vance, David J. Walton, Alexander A. Wheatley, Annie Ziesing

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New York Lawmakers Aim to Close Loopholes in NYC's AI Bias Audit Law and Add Teeth to Workplace Protections

Amanda M. Blair, Benjamin M. Ebbink, David J. Walton

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EVENT   03/06/24

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Richard R. Meneghello, David J. Walton, Anne Yarovoy Khan

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Law360 Taps Artificial Intelligence Co-Chair for Exclusive Q&A on GenAI in the Workplace

David J. Walton

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David J. Walton

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Nan Sato, David J. Walton

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EVENT 12/06/23

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Richard R. Meneghello, David J. Walton

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INSIGHTS 12/01/23

FP's Workplace Law Forecast 2024

Cheryl L. Behymer, Steven M. Bernstein, Sheldon J. Blumling, Risa B. Boerner, Colin P. Calvert, Kathleen McLeod Caminiti, Jocelyn Campanaro, Jennifer B. Carroll, Collin D. Cook, Laurel K. Cornell, Germán de la Garza De Vecchi, Michael P. Elkon, Todd Alan Ewan, Todd A. Fredrickson, Christopher C. Hoffman, David S. Jones, Usama Kahf, Karl R. Lindegren, Todd B. Logsdon, Todd A. Lyon, Michael R. Marra, Suzanne Kelly Michael, Michael S. Mitchell, Joshua D. Nadreau, Kristen J. Nesbit, Alden J. Parker, Cheryl Pinarchick, John M. Polson, Andrea Brizio Rivas, Andria Lure Ryan, Nan Sato, Todd B. Scherwin, Matthew R. Simpson, Adam F. Sloustcher, Kristin L. Smith, Shanon R. Stevenson, Hannah Sweiss, J. Hagood Tighe, Travis Vance, David J. Walton, Sheila M. Abron, Erica G. Wilson, William D. Wright, Robert Yonowitz

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NEWS 11/16/23

Artificial Intelligence Team Chair Discusses What The AI Executive Order Means for Companies

David J. Walton

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