DAVID M. WYAND



Title: Partner
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Bar Admissions

- Maryland
- U.S. District Court, District of Maryland
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, District of Columbia Circuit

Practice Groups

- Litigation
- Commercial Lending

Education

- University of Maryland School of Law, J.D. (1994)
- Cedarville College, B.A. (1991)

Bio

David Wyand is chair of the firm's litigation department. He represents individuals, businesses, and governmental entities in complex commercial litigation, with a track record of achieving favorable results in high-stakes disputes. His practice spans a wide range of matters, including commercial and real estate disputes, lender liability, executive employment contracts, director and shareholder disputes, partnership breakups, business torts, class action defense, intellectual property infringement, and insurance coverage issues. David regularly litigates in Maryland's state and federal courts and represents clients in arbitration proceedings.

David is known for his strategic approach to litigation, thorough preparation, and ability to distill complex legal and factual issues into persuasive arguments. He works closely with clients to understand their goals and develop practical, cost-effective solutions, whether through negotiation, alternative dispute resolution, or trial. His combination of courtroom skill and business awareness enables him to protect clients' interests and achieve favorable outcomes in high-stakes, sensitive, and often time-critical matters.

Experience

Corporate Litigation

- Represented directors in litigation filed by a shareholder alleging breach of fiduciary duties and obtained summary judgment based on statute of limitations and lack of evidence of wrongdoing.
- Represented director in litigation filed by a shareholder alleging breach of fiduciary duties and obtained

dismissal based on the recommendation of a special litigation committee.
- Provided advice to a special litigation committee in investigating a shareholder claim.
- Represented architect in dispute over leaving firm and starting a new firm.
- Represented accountants in dispute over leaving their accounting firm to start a new firm.
- Represented dentist in dispute with partner over break-up of their practice.
- Secured judgment for two LLC directors, blocking a forced share buyout.

Real Estate Litigation

- Pursued federal condemnation action under the Natural Gas Act on behalf of a natural gas company seeking immediate possession of property and assisted the company in resolving the matter.
- Represented a landlord in an environmental lawsuit relating to alleged contamination caused by departing tenant and negotiated a resolution of the matter.
- Obtained an order quieting title for a property based on adverse possession.
- Pursued claim by purchaser under a real estate purchase agreement that seller improperly sold property rights to others that were already under contract to be sold to purchaser and negotiated resolution of claim.
- Pursued claim by property owner to enforce obligation to contribute to cost of making repairs to a pier and negotiated resolution of claim.

Executive Employment Disputes

- Represented former employees in a suit involving alleged unfair competition and theft of trade secrets and negotiated a resolution of the matter.
- Represented a departing executive in a wage payment and collection action against his former company and obtained a substantial judgment.
- Advised an executive in negotiating an exit from a company.

Government and Civil Rights Litigation

- Obtained summary judgment for sheriff and deputy in a federal case alleging malicious prosecution under § 1983.
- Obtained dismissal in federal court of a case alleging violations of civil rights relating to land use decisions.
- Defended sheriff's deputies in a federal case alleging excessive force under § 1983 and violations of the Americans with Disabilities Act and negotiated a settlement of the claims.
- Defended county officials in a federal civil rights case alleging discrimination based on religion, race, or national origin, and negotiated settlement of claims.
- Defended community college in First Amendment challenge to public speaking policy and negotiated resolution of claims.

General Litigation

- Won trial and appeal for White Marlin Open in a $2.8 million tournament prize dispute, upholding the tournament's rules and decision to withhold payment based on failed polygraph results
- Represented pallet company that was sued for allegedly misappropriating leased pallets and negotiated a resolution of the matter.
- Advised church and school concerning charitable immunity and defense of decades-old claim under the Maryland Child Victims Act.
- Advised clients who were facing a wrongful death claim concerning potential liability over their applicable insurance limits.
- Advised banks concerning liability associated with checks that were either forged or contained unauthorized endorsements.
- Defended brewery against claims of copyright violations relating to live music and negotiated resolution of the claims.
- Assisted clients with asserting or defending trademark infringement claims.
- Defended a flooring contractor against claims that chemicals caused damage to homeowners, including a successful *Daubert* challenge relating to evidence of causation.
- Defended a fire company in a class and collective action under the Fair Labor Standards Act and Maryland

statutes, and negotiated a resolution of the action.