



## GREGORY DUBINSKY

**PARTNER**

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A former clerk for the U.S. Supreme Court, U.S. Court of Appeals for the D.C. Circuit, and U.S. District Court for the Northern District of Illinois, Greg Dubinsky specializes in complex cases at the trial and appellate levels as well as in arbitration. He has litigated a number of cases to trial and has represented parties before appellate courts in a wide range of disputes, including appointments by U.S. Courts of Appeals to serve as amicus in defense of the judgment below. He has argued cases in the First, Second, Ninth, and D.C. Circuits, the Connecticut Supreme Court, the New York Appellate Division, the U.S. District Court for the Southern District of New York, the U.S. District Court for the Northern District of Ohio, and in binding arbitration. He was named to the inaugural 2023 Lawdragon 500 X – The Next Generation, Benchmark Litigation’s 40 & Under Hot List (2023 and 2022), and the National Law Journal’s 2023 General Litigation Trailblazers. He has also been recognized as a Rising Star by the New York Law Journal (2021) and by Super Lawyers (2020-2023).

Recently, as lead counsel, Greg secured dismissals for an online media company of two putative class actions brought under the Video Privacy Protection Act and secured dismissals in two cases of all claims against the National Basketball Association, including in an antitrust suit brought by a person denied the opportunity to qualify as a player agent. On behalf of a former governor of New York, Greg successfully argued in both the trial and appellate courts a constitutional separation-of-powers challenge to the Commission on Ethics and Lobbying in Government, which had charged the former Governor with state ethics violations related to the proceeds of a book deal.

Greg co-authored an amicus brief on behalf of a bipartisan group of state legislators that Supreme Court Justice Elena Kagan quoted in her concurring opinion in *Gill v. Whitford*, the challenge to partisan gerrymandering in Wisconsin. He also submitted an amicus brief in the Supreme Court on behalf of a bipartisan group of 10 U.S. senators in support of American victims of terrorist attacks concerning the proper interpretation of the Antiterrorism Act. SCOTUSblog invoked Greg and his team’s amicus brief on behalf of the Brennan Center for Justice in *Benisek v. Lamone* as an example of a “top” amicus brief. The Juris Lab recognized an amicus brief Greg submitted to the Supreme Court as scoring higher on a “reader engagement” metric than briefs submitted by well-established “elite” Supreme Court advocates. And in a major partisan gerrymandering case in New York, a justice of the Appellate Division invoked an amicus brief Greg co-authored for the League of Women Voters of New York State; the New York Court of Appeals agreed with that analysis, ruling that the Legislature’s process for enacting redistricting maps violated the state constitution.

Greg also maintains a significant *pro bono* practice. He obtained a favorable result for an Afghan national in removal proceedings who had trained with U.S. forces and was threatened by the Taliban; he secured in the Ninth Circuit the reversal of the lower court’s dismissal of certain claims brought by a victim of prison sexual assault who faced retaliation; and he obtained the first successful bail motion for an immigration detainee in the Second Circuit.

## NOTABLE CASES

- Online media company in putative class action alleging violation of the Video Privacy Protection Act (VPPA).
- Former Governor Andrew Cuomo in a separation-of-powers challenge to the Commission on Ethics and Lobbying in Government related to the proceeds of a \$5 million book deal. Successfully argued at both the New York Supreme Court and the Appellate Division, Third Department, securing rulings that declared the Commission unconstitutional.
- Appointed amicus curiae by the U.S. Court of Appeals for the D.C. Circuit to present oral and written argument in favor of a party in a defamation case, *Von Kahl v. Bureau of National Affairs*.
- A medical-industry company against claims it breached a \$21.5 billion merger agreement, resulting in a settlement after trial for a fraction of the claimed \$7 billion damages.
- Oracle in a weeks-long trial in federal court on copyright infringement and state-law claims, resulting in a \$50 million judgment.
- Pras Michel, founding member of the hip hop group The Fugees, in litigation against the *New York Post*, obtaining a remand from the U.S. Court of Appeals for the Eleventh Circuit.
- Kurdistan Regional Government in litigation brought by the Iraqi government over the KRG's ability to sell oil in the United States.

## CLERKSHIPS

- Hon. Anthony M. Kennedy, Supreme Court of the United States, 2013 – 2014
- Hon. Brett M. Kavanaugh, U.S. Court of Appeals for the D.C. Circuit, 2012 – 2013
- Hon. Gary S. Feinerman, U.S. District Court for the Northern District of Illinois, 2011 – 2012

## EDUCATION

- Yale Law School (J.D., 2011, Executive Editor, *Yale Law Journal*; Articles Editor, *Yale Journal of International Law*; Student Director, Yale Supreme Court Clinic)
- Wesleyan University (B.A, 2007, Editor-in-Chief, *The Wesleyan Argus*)

## BAR AND COURT ADMISSIONS

- New York
- Washington D.C.
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Ninth Circuit

- U.S. Court of Appeals, Eleventh Circuit
- U.S. Supreme Court