

David W. Ichel

X-Dispute LLC

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David W. Ichel is a mediator, arbitrator and court-appointed special master for complex commercial disputes. Before becoming a full-time neutral, David was a long-time partner at Simpson Thacher & Bartlett LLP (New York), where he litigated a broad range of large-scale commercial litigation and advised clients for 37 years from 1978-2015. He has also taught Complex Civil Litigation, including ADR for complex litigation, at Duke Law School (2011-present) and University of Miami Law School (2018-2020). Please visit his website at www.x-dispute.com.

David is ranked in Chambers USA as one of the nation's select Mediators (USA-Nationwide).

Arbitration & Mediation Rosters: David has been appointed to numerous arbitration and mediation rosters, including AAA/ICDR (Commercial, ICDR and Mediation panels); ICC/USCIB; FedArb; CPR International Institute for Conflict Prevention & Resolution; ARIAS-US; and the New York City Bar Panel for Disputes Among Lawyers/Law Firms. He is a Fellow of the Chartered Institute of Arbitrators and of the Academy of Court Appointed Neutrals. He is a Fellow-elect (2025) of the College of Commercial Arbitrators. David has also served on numerous *ad hoc* and JAMS arbitration panels.

Sample Mediation Appointments:

M&A; Partnerships/ Joint Ventures: Numerous post-acquisition disputes involving both private equity and strategic acquisitions; international dispute over acquisition agreement for resort properties; international dispute over failure to obtain CFIUS approval of a cross-border technology company acquisition; dispute over partnership/joint venture and IP arising out of television program *Shark Tank*; dispute over private equity acquisition of a data library company; dispute over private equity acquisition of investigations firm; dispute among owners and executives of a major theatrical licensing company; disputes among partners in real estate development ventures; race discrimination claim arising out of failed media joint venture.

IP/ Pharma Development/ Technology, Trademarks: Bio-pharmaceutical development contract disputes; IP misappropriation claim against major medical research institution and bio pharma company; dispute over Major League Baseball team's use of new tradename and trademarks; dispute over technological implementation of State Medicaid data system; dispute over contract for in-store screen display advertising system and placement; Trademark litigation between two major online education providers; trade dress and trademark litigation between two major hospital/healthcare systems.

Healthcare: numerous hospital system and other provider claims against health insurance and managed care organizations, including antitrust claims, payment claims and contract interpretation issues; trademark/trade dress litigation between major hospital systems.

Insurance: media/advertising injury insurance, life insurance marketing practices claims, CGL and environmental pollution coverage, property and liability coverage for commercial roof collapse; aviation insurance coverage for numerous aircraft, hospital system provider coverage.

Accountants Liability: litigations and arbitrations against accounting firms arising out of audited company U.S. bankruptcy proceedings and Cayman Islands liquidations.

Law Firms: Disputes over inter-law firm fee allocation, securities claims and client malpractice claims.

Banking & Securities: Misrepresentation claims against issuers, underwriters and law firms; residential mortgage backed securities disputes, public bond indenture claims; claims by billionaire investor against investment advisory firm, claims against bank for embezzled wire transfers; foreign national investment and borrower claims against Edge Act bank, claims against bank for payment on fraudulent wire transfers and lender liability claims against banks.

Executive Employment: Various cases involving termination, discrimination, benefits and non-compete and non-solicitation claims as well as salary, wage claims and claims against payment system provider.

Supply and Distribution: Litigations over food and beverage (soft drinks and alcohol)

distributor terminations and product claims, solar energy project claims against manufacturer of heat transformers, chain store hardware supply.

Real Estate/ Construction: Disputes over major building foreclosure and lender liability, air rights sales, limited partner claims.

Bankruptcy/ Liquidator Trustee Claims: against failed solar energy plant equipment suppliers, accounting firms.

Sample Arbitration Appointments:

Partnerships/ Joint Ventures/ M&A: Dispute between resort hotel owner and hotel/resort management group (chair); Am Law 50 law firm dispute over termination of a former partner (sole arbitrator); energy infrastructure manufacturing joint venture dispute (party- appointed); dispute between healthcare benefits/ financial services companies over joint venture termination and non-compete provisions (sole arbitrator); liquidation of partnership dispute involving television, movie and theatrical prop rentals and sales (sole arbitrator); hospital purchase agreement dispute (party-appointed); disputes over a big-box retail inventory control company acquisition transition services agreement (sole arbitrator).

Supply & Distribution Agreements: international jet fuel supply contract dispute (sole arbitrator); major soft drink company distributor termination dispute (party-appointed); major alcohol beverage companies' product IP and licensing dispute (party-appointed); refrigerant supply contract termination dispute (party-appointed).

IP/ Bio-Pharma Development: bio pharma unfair competition and IP claims (sole arbitrator); pharmaceutical acquisition and product development milestones dispute (party-appointed); IP and contract dispute between plant food inventor and major fresh fruit company (party-appointed); IP dispute involving cross-border alcohol beverage brand license (party-appointed); bio-pharma IP settlement agreement claims between two bio-pharma companies (sole arbitrator).

Banking & Finance: organization of multiple credit unions dispute with loan origination and underwriting firm (party-appointed); international corporate investor dispute with major international bank (party-appointed).

Healthcare: dispute between major university hospital system and managed care organization/ insurer over Medicare Advantage reimbursement (chair); dispute between medical provider and managed care organization/insurer over Medicare Advantage reimbursement (sole); life and health insurance company dispute with Third Party Administrator firm (chair).

Insurance and Reinsurance: pharma plant closing and recall insurance dispute (chair); property insurance dispute between healthcare company and insurers concerning named-storm hurricane and flood coverage (chair); luxury hotel developer dispute with all risk insurer over water damage and business interruption/ project delay claims (chair); liability insurance dispute concerning mass product liability exposure (party-appointed--insurer); product recall insurance dispute (party-appointed--policyholder); environmental pollution

insurance coverage dispute (party- appointed--insurer); two covid-19 coverage arbitrations between insurers and large corporate policyholders (party-appointed--insurer); representations & warranties insurance dispute (party- appointed—insurer); liability insurance dispute concerning accidental death (party- appointed--insurer); directors & officers insurance dispute (party-appointed—insurer).

Other Commercial: construction dispute involving construction of telephone and wireless facilities (party-appointed).

Sample Special Master Appointments:

Cook v. Vogel (Supreme Court New York County, Commercial Part-- 2018). Appointed discovery special master on consent of the parties, then asked by the parties to mediate the case. Case successfully settled.

Alam v. Ahmad (Supreme Court New York Country, Commercial Part (2019-21)). Appointed special master on consent of the parties for all discovery matters in case involving international and large port facility investments.

FPG Maiden Lane v. Bank Leumi USA (Supreme Court New York County, Commercial Part (2022-23). Appointed special master on consent of the parties for discovery matters in this case involve mortgage foreclosure and lender liability claims involving a large Manhattan building development. Also appointed as mediator on consent of the parties.

Select Activities: Duke Law School Board of Visitors (2005-present; chair 2009-2014), *Judicature* Editorial Board (2016-2022; chair 2020-2022); Mobilization for Justice Inc. (Board,1994-2018; Chair 2000-02; Emeritus, 2018-2024); Advisory Boards: Bolch Judicial Institute at Duke Law School (2020-present, chair 2025-), University of Miami Class Action & Complex Litigation Forum (2018-present); Member: Miami International Arbitration Society (2018-present); American Law Institute (1993-present); Federal Bar Council (1982-present); New York City Bar Ass’n (1979-present). Instructor level scuba diver.

Education:

Duke University School of Law (J.D. 1978), *cum laude*, Staff Editor, Duke Law Journal.

Duke University (A.B. 1978), *summa cum laude*, *phi beta kappa*