



Partner

David A. Felice

Delaware
Red Clay Center at Little Falls
2961 Centerville Road
Suite 302
Wilmington, DE 19808
T: 302.504.6333 F: 302.504.6334
dfelice@baileyglasser.com

David Felice focuses on corporate and commercial litigation matters. He represents clients in the Delaware Court of Chancery, primarily in connection with breach of fiduciary duty actions, change in control disputes, statutory demands for inspection of corporate books and records, petitions for advancement and indemnification and other matters governed by Delaware's General Corporation Law.

In addition, David represents clients in general commercial and employment litigation matters in the Delaware Superior Court and the US District Court, District of Delaware. David also represents creditors in the US Bankruptcy Court in preference actions, asset sales and other proceedings governed by the Bankruptcy Code.

In addition to his litigation experience, David is a neutral arbitrator with the American Arbitration Association (AAA) serving both as a sole arbitrator and on a panel of arbitrators for Large, Complex Commercial Cases - particularly cases involving Delaware law.

Outside the courtroom, David assists clients with contract negotiations, licensing and transactional support, including private offerings.

Practice Areas

Arbitration & Dispute Resolution
Bankruptcy & Business Reorganization
Commercial Litigation
Life Sciences

Education

J.D., University of Alabama School of Law, 2001, Articles Editor, Alabama Law Review, Recipient, Order of the Samaritan Award (public service)

B.A., Villanova University, 1996

Admissions

Delaware

Alabama

Pennsylvania

US Court of Appeals for the Third Circuit

US District Court, District of Delaware

US District Court, Eastern District of Pennsylvania

Representative Matters

- Successfully tried two jury trials and defended the judgments twice before the Third Circuit for a minority stockholder given a controlling director's failure to make pro rata distributions
- Obtained a significant settlement for a cable television programmer against a television station given the alleged breach of a right to purchase the station
- Obtained a significant settlement for a minority stockholder after being squeezed out of the company's management and employment
- Obtained a multimillion-dollar judgment for a homebuilder following a five-day trial before the Delaware Superior Court's Complex Commercial Litigation Division
- Represented a minority stockholder before the Delaware Court of Chancery and obtained a multimillion-dollar settlement following the improper removal of the minority stockholder as a manager and member of a company based in Ohio
- Served as an American Arbitration Association (AAA) neutral arbitrator adjudicating a dispute regarding the alleged breach of a contract for the purchase of a merchant's future receivables
- Served as an AAA neutral arbitrator adjudicating a dispute regarding the alleged breach of an agreement for investment in an internet company
- Served as an AAA neutral arbitrator adjudicating a dispute regarding the alleged breach of a loan agreement
- Assisted in obtaining a temporary restraining order from the Delaware Court of Chancery on three days' notice against a competitor that was soliciting a client's employees in breach of non-competition agreements

- Briefed and argued successfully for the summary judgment disposition of a former employee's allegations of race and national origin discrimination and a hostile work environment in the US District Court, District of Delaware
- Assisted in obtaining a temporary restraining order from the Delaware Court of Chancery against a defendant who threatened to contact a client's customers in violation of the parties' asset purchase and transition services agreements
- Briefed and argued successfully against a motion for a temporary restraining order where the plaintiff, an international shipping and logistics company, filed suit against its former employees alleging breaches of their noncompetition agreement
- Assisted in the successful representation of several manufacturers' representatives in litigation involving breach of contract, misrepresentation, and unfair competition against a global communications equipment manufacturer in the US District Court, District of Delaware
- Conducted extensive discovery and obtained summary judgment for a suture manufacturer in a product liability matter in the Delaware Superior Court

News & Insights

Bailey Glasser ERISA Team Defeats Motion to Dismiss ESOP Lawsuit Pursuant to Arbitration Clause
09.13.2021

Bailey Glasser Representing Riverstone Credit Management in White Stallion Chapter 11
Bankruptcy Proceeding
02.01.2021

Bailey Glasser Representing Riverstone Credit Management in White Stallion Chapter 11
Bankruptcy Proceeding
12.08.2020

Bailey Glasser Receives Final Approval on \$19.5 Million Settlement with Wilmington Trust to End
ERISA Class Action
10.02.2020

Bailey Glasser Seeks Final Approval of \$19.5 Million ESOP Settlement with Wilmington Trust
08.17.2020

Bailey Glasser Defeats Motions To Dismiss And Transfer On Behalf Of Nation Safe Drivers
Employees
07.21.2020

Bailey Glasser Announces \$19.5 Million Settlement With Wilmington Trust To End ERISA Class Action

04.17.2020

Judge Approves \$5 Million Settlement in Wilmington Trust ESOP Lawsuit

01.27.2020

US District Court Grants Class Certification in Choate v. Wilmington Trust

12.12.2019

Bailey Glasser Defeats Motion Disputing Constitutional Standing of ESOP Participants

02.21.2018

David Felice Presents at Delaware State Bar Association's Bench & Bar Conference

06.20.2016

Jury Returns Verdict for Minority Shareholder in Long-Fought Shareholder Dispute

12.22.2014

David A. Felice Re-Elected Treasurer of the Delaware State Bar Association

06.10.2014

Panelist, "Business Contracts A to Z," National Business Institute, December 18, 2012

"Beyond Delaware: Issues with Serving Process and Seeking Discovery," Delaware State Bar Association's Litigation Section CLE, June 1, 2011

Co-author, *Delaware Chapter of DRI's Class Action Compendium*, 2011

Panelist, "Are Additional Protections and Policy Changes Needed—And Likely?" Information Forecast Inc., Litigation Finance & Investment Summit, April 29, 2011

Co-author, "Federalization Increases D&O Exposure," Executive Counsel, February/March 2011

Moderator, "E-Filing Trends: An Update from the Courts," Delaware State Bar Association, November 3, 2010

Community and Professional Activities

Delaware State Bar Association (Active Member; Executive Committee 2011-2017 – former Secretary and Treasurer)

Master, Richard S. Rodney Inn of Court

Fellow, American Bar Foundation

St. Ann Parish - Finance Committee Member (2018 - Present)

Diocesan Board of Catholic Schools - Director (2019 - Present)

Delaware Bar Foundation - Director (2019 - Present)

Delaware Futures, Inc. - Former Director, Vice President and Treasurer (2012 - 2018)

West End Neighborhood House, Inc. - Former Director and Treasurer (2009 - 2011)

Pro Bono Experience

David is a volunteer guardian ad litem with the Office of the Child Advocate having served numerous foster children for over 14 years.

David was a volunteer member of the District of Delaware Federal Civil Panel for almost 20 years. Through his Panel representations, he tried two matters before a jury and twice briefed and successfully argued before the Third Circuit issues related to qualified immunity and deliberate indifference. In addition, he negotiated a favorable settlement for a pro bono client in an excessive force claim.

David also worked with the Widener University School of Law Veterans' Law Clinic, where he successfully represented a Vietnam veteran as an accredited attorney before the Department of Veterans Affairs.