



DAVID A. HARFORD

Partner

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BIOGRAPHY

David Harford is a trial attorney practicing in BCLP's Business & Commercial Disputes group. David focuses his practice on the resolution of disputes relating to franchise law. He has litigated cases regarding

- the termination of franchise and distribution rights;
- the assertion of franchise rights;
- the relations between franchisors and franchisees;
- and the representations made in connection with the purchase and sale of franchise, trademark and distribution rights.

David has also represented a wide variety of other commercial institutions such as lenders, food ingredient manufacturers and distributors, consumer technology companies, new and internet media companies, and financial institutions. David continues to be a lead lawyer at the firm with the prosecution and defense of complex business disputes; and the defense of consumer and personal injury claims brought by individual and class action plaintiffs.

David is an aggressive practitioner with extensive experience litigating pre-judgment remedies such as attachment, receivership, and injunctions. David brings his experience to all phases of litigation. David has tried a lengthy arbitration, several bench and jury trials, and handled numerous appeals.

David is certified by the State Bar of California as a Specialist in Franchise and Distribution Law and is also an associate editor for the *Franchise Law Journal*.

CIVIC INVOLVEMENT & HONORS

David was included in the 2024 edition of the *Best Lawyers: Ones to Watch® in America* for his work in Commercial Litigation.

David served as a volunteer trial attorney for the Anaheim City Prosecutor's Office for the month of October 2016 through the Los Angeles County Bar Association's Traditional Trial Advocacy Program.

ADMISSIONS

- California, 2010
- New York, 2010

EDUCATION

Columbia University, J.D., 2009, Stone Scholar

Emory University, B.A., with highest honors, 2005

RELATED PRACTICE AREAS

- Business & Commercial Disputes
- Franchising
- Intellectual Property and Technology

- Corporate
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory

EXPERIENCE

- Key member of trial team that obtained a \$28 million jury verdict in a patent ownership dispute.
- Obtained order vacating JAMS arbitration award because JAMS failed to disclose that the arbitrator was a JAMS shareholder who shared in the profits of 97 other arbitrations in which adversary was a party in *Monster Energy Corp. v. City Beverages, LLC*, 940 F.3d 1130 (9th Cir. October 22, 2019).
- Obtained district court order denying request for preliminary injunction filed by franchisee seeking to enjoin expiration of franchise agreement in *Terrier, LLC v. HCA Franchise Corporation*, Case No. 2:22-cv-01325, 2022 WL 4280251 (D. Nev. Sep. 15, 2022).
- Obtained dismissal on forum non conveniens for franchisee client in *Carl's Jr. Restaurants LLC v. 6 Points Food Services, Ltd., et al.*, No. CV-15-9827-GHK, 2016 WL 3671116 (C.D. Cal. July 7, 2016).
- Obtained a pre-judgment order for receivership over operating company in *TCJ v. Trimed Medical Wholesalers, et al.*, 217CV04656PSGJEM, 2017 WL 10543659 (C.D. Cal. Sept. 19, 2017).
- Obtained a pre-judgment temporary protective order against all the assets of a large film distribution company, resulting in immediate payment in full for individual client.
- Key lawyer on a team that won defensive summary judgment and a sizeable cost award for a major financial institution in a 50 plaintiff construction defect/fraud class action suit.
- Won bench verdict in civil contempt trial for large financial institution.

RESOURCES

PUBLICATIONS

Educating Courts: Using Franchise Lawyers and Consultants as Expert Witnesses in Franchise Cases and Avoiding Exclusion of Testimony as “Legal Opinion”, Franchise Law Journal, Vol. 42:2.

LADR Case Notes and FLJ Currents, Franchise Law Journal, Vol. 41:4.

Franchising & Distribution Currents, Franchise Law Journal, Vol. 41:2.

Stradivarius Revisited: Re-Tuning Your Franchise Arbitration Instrument, Franchise Law Journal, Vol. 40:1.

The Basics Of The California Consumer Privacy Act (CCPA) For The Franchise Industry, <https://www.forbes.com/sites/tonymarks/2019/08/01/the-basics-of-the-california-consumer-privacy-act-ccpa-for-the-franchise-industry/#71f50cc85ad7>

The Scouts Teach Us All a Lesson About Trademark Law, <https://www.forbes.com/sites/tonymarks/2019/02/12/the-scouts-teach-us-all-a-lesson-about-trademark-law/#5f11db0a7386>

SPEAKING ENGAGEMENTS

“The Importance of Materiality in Franchise Disputes”, ABA 2023

RELATED INSIGHTS

Awards

Aug 17, 2023

The Best Lawyers in America® 2024

News

Jun 08, 2023

BCLP Litigation team wins jury trial for McLear

News

Nov 14, 2022

BCLP announces 2023 partner class

Insights

May 07, 2020

The Hidden Cost of PPP Loans: U.S. Businesses Receiving Loans May Risk Civil Suits

News

Feb 24, 2020

Ninth Circuit’s Vacating of Arbitration Award Due to Lack of Disclosure by JAMS is named as one of the “Largest and Most Significant Verdicts and Appellate Reversals in

California in 2019” by the Daily Journal

News

Jan 17, 2020

Two BCLP Matters Make ‘Daily Journal’ List of Top 2019 Cases