



## David R. Santana

Of Counsel

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David Santana represents businesses and individuals in all aspects of complex litigation. David's practice focuses on the defense of general, premises, and construction liability claims, including matters involving New York Labor Laws and the defense of construction defect and property damage claims. David skillfully navigates insurance coverage and contractual indemnification issues essential to transferring risk, liability, and indemnity from his clients. He has achieved certification in Wilson Elser's rigorous Mock Trial Invitational, through which our most successful trial lawyers impart their knowledge to those destined to join their ranks.

Prior to joining Wilson Elser, David worked at a New York firm handling insurance fraud litigation. He prosecuted civil lawsuits under the Racketeer Influenced Corrupt Organizations (RICO) Act, including affirmative actions to recover insurer claim payments to physicians, medical clinics and others involved in complex, large-scale insurance fraud schemes.

Previously, David was an Assistant District Attorney in the Nassau County District Attorney's Office, assigned to the Vehicular Crimes Bureau. He gained valuable experience prosecuting a wide array of offenses involving charges of driving while intoxicated, driving while ability impaired by drugs, vehicular assault, vehicular manslaughter and other cases where the use of a motor vehicle caused death or serious physical injury. David managed all aspects of investigation, discovery and litigation, including crime scene examination, warrant applications and grand jury presentment. He conducted over three dozen pre-trial hearings and brought more than a dozen jury trials to verdict.

From 2022 to 2025, David served as an Interscholastic Coach for the Hofstra Trial Advocacy Association. During that time, David committed to improving Hofstra law students' advocacy skills and trial performance and taught trial advocacy techniques in

### Services

- Complex Tort & General Casualty

preparation for nationwide interscholastic mock trial competitions.

## **Education**

- Maurice A. Deane School of Law at Hofstra University (J.D., 2017)
- Berkeley College (B.S., *summa cum laude*, 2014)

## **Bar Admissions**

- New York

## **Court Admissions**

- U.S. District Court, Eastern District of New York

## **Professional Affiliations**

- New York State Academy of Trial Lawyers
- New York State Bar Association

# **Client Wins**

## **Cash & Santana Successfully Defend against Allegations of False Imprisonment and Assault by Security Staff**

Joshua Cash (Partner-New York, NY) and David Santana (Associate-New York, NY) secured a unanimous defense verdict in Kings County Supreme Court on behalf of New York City's only casino in alleged claims of false imprisonment, assault, and battery perpetrated by the security staff. The plaintiff demanded \$150,000 for the indignity of having been detained for 15 minutes and 18 seconds and submitted to unsubstantiated threats and assault. The plaintiff was abusing the casino's rewards program to capitalize on the "free play" feature by using rewards cards belonging to other individuals, insisting he had permission to use the cards, but could not tell the jury who they were or where he got the cards. The casino is operated by a gaming agent for the State of New York's Lottery Division (which owns and benefits from the revenue from the casino). The gaming agent is always sued as a private actor possessor and operator of the casino. Under the NY State Gaming Commission Rules and Regulations, the gaming agent is authorized to exclude anyone deemed to be engaging in conduct detrimental to the interests of the casino, and to reasonably detain that person to duly process the exclusion. The plaintiff received a lifetime ban and exclusion as a result of his egregious conduct and was detained incident to the exclusion process. The jury was presented with five questions in the verdict sheet regarding the gaming agent's conduct, all five of which needed to be answered in favor of the agent for it to prevail. The jury deliberated for approximately 22 minutes to answer these five questions against the plaintiff.