

MVP: Weil's David Yohai

By MJ Koo

Law360 (December 3, 2025, 4:03 PM EST) -- Weil Gotshal & Manges LLP's David Yohai won a closely watched privacy appeal for Paramount, persuading the Sixth Circuit to break from the Second and Seventh circuits' broader approach to the Video Privacy Protection Act, earning him a spot among the 2025 Law360 Media & Entertainment MVPs.

His biggest accomplishment:

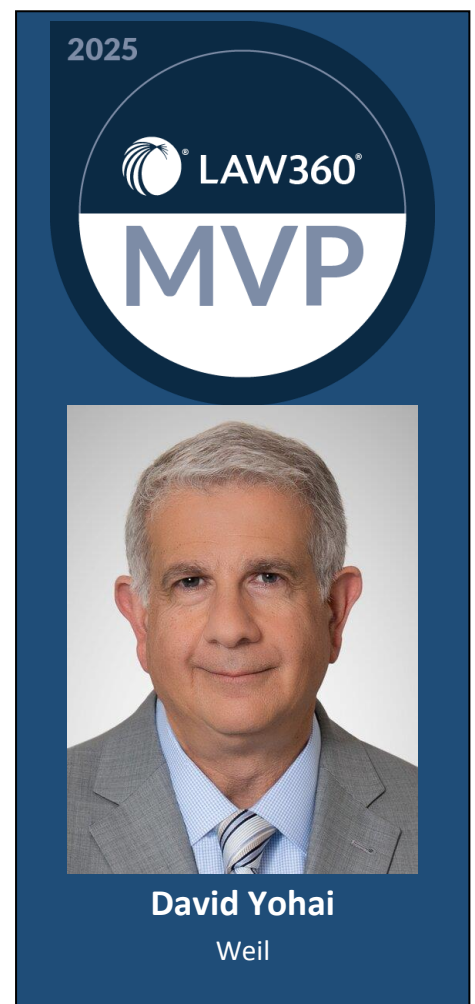
Representing Paramount Global, Yohai led his team in building the arguments from the outset and guided the matter through every stage of briefing, urging the Sixth Circuit to adopt a reading of the VPPA that limits "consumers" to subscribers of audiovisual materials.

The panel agreed in a published 2–1 decision, holding that the statute protects only those who subscribe specifically to video materials — a conclusion that diverges from the broader approach taken by the Second and Seventh circuits and that now places the issue on a potential path to review by the U.S. Supreme Court.

"We tried to take a common-sense approach to it," Yohai said. "If you bought a candy bar in a Blockbuster [video], would that trigger liability under the VPPA? If you're buying something completely separate, should that really trigger liability under the VPPA?"

He explained that the team drew on its earlier VPPA win in the Southern District of New York to show the panel that a free email newsletter is not itself audiovisual content and therefore cannot transform its subscribers into VPPA "consumers."

Yohai said the case demonstrates why courts should resist attempts to stretch the statute beyond its intended scope, noting that treating a simple newsletter sign-up as VPPA-triggering conduct would open the door to suits the law was never meant to cover and distort a statute rooted in the protection of audiovisual viewing information.



He added that the Paramount appeal arrived during an especially demanding period of his practice as he was managing multiple major disputes at once.

Other notable matters:

A senior partner in Weil's New York office, Yohai has spent more than three decades litigating high-stakes disputes for some of the most influential players in the media and entertainment industry.

He said this past year has required him to balance the Paramount appeal alongside several other significant matters, including A&E Networks' "Live PD" intellectual property dispute and Warner Bros. Discovery's litigation tied to the NBA's latest media-rights agreements.

Yohai represented A&E Television Networks LLC in its lawsuit accusing the Reelz channel and the producers of "On Patrol: Live" of creating a near-carbon copy of A&E's hit reality series "Live PD." He said the matter required close, side-by-side comparisons of the two programs to demonstrate the alleged overlap in format and presentation, with A&E contending the Reelz show amounts to a "clone" of A&E's original series.

Yohai also helped steer Warner Bros. Discovery through its high-profile media rights dispute with the NBA, representing the company in a suit claiming the league breached its contract by sidelining Turner from a new \$76.9 billion rights package.

Under a settlement reached in November 2024, the parties resolved all disputes tied to the NBA's media agreements, preserved a long-running partnership on digital assets and secured a new arrangement that will keep "Inside the NBA" on the air as it moves to ESPN and ABC.

Why he's a media and entertainment litigator:

Yohai said his connection to the industry began early.

"I'm a child of the cable generation," he said. "I grew up on HBO, MTV, ESPN, TNT."

He said he remains convinced that "content is king" and that protecting creators is essential because audiences want new and compelling programming. He added that without strong legal protections, it becomes difficult for companies to justify the enormous investments required to produce that content.

A pivotal early experience, he recalled, was a distribution dispute he tried for ESPN and The Walt Disney Co. involving Dish Network.

The case turned on whether rights to standard-definition programming also entitled Dish to receive high-definition content at no additional cost. Because HD formats were still new, the case required a close study of evolving distribution practices, and winning it gave him an early opportunity to learn the complexities of distribution law. The matter also fit naturally with his long-standing focus on contract-based disputes, he said.

His advice for junior attorneys:

Across all of his matters, Yohai said, his approach centers on staying close to clients and understanding their business deeply enough to anticipate how legal decisions will affect what they create and distribute. That kind of judgment, he tells junior lawyers, starts with mastering the details.

"There's no substitute for hard work," he said, adding that young attorneys who commit early to mastering the record put themselves in the strongest position to build sound judgment over time.

--As told to MJ Koo. Editing by Kristen Becker.

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