

**David A. Thomas | Partner**

Insurance Recovery

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Dave Thomas has an insurance recovery and complex commercial litigation practice.

Dave represents and counsels policyholders in litigation and non-litigation matters relating to a diverse array of commercial insurance lines, including cybersecurity and privacy, commercial general liability, umbrella, D&O, financial institution bonds, bankers professional liability, employment practices liability, and first-party property and business interruption. His litigation experience includes both traditional insurance coverage and recovery of funds under insurance-related collateralization programs. Dave also advises corporate policyholders in applying for or reviewing various coverages. In addition, Dave represents and counsels individual property owners in high-value insurance claims, including due to wildfires, mudslides, and other natural disasters.

Dave's practice extends to a wide variety of corporate and commercial litigation involving contract disputes, tort claims, unfair competition and trade practices claims, and corporate disputes. He also has represented individual claimants harmed by fraudulent and unfair practices in the sale of life and health insurance products and insurance-related transactions.

*Chambers USA* notes that Dave has been praised as "outstanding in his field" and as "a 'clear-thinking, effective advocate and just a very smart, sensible and practical lawyer.'"

Dave previously served as an assistant district attorney on a three-month secondment to the San Francisco District Attorney's Office, where he tried five jury trials to verdict. He also served as a law clerk to the Honorable Judge Sandra

## Select Engagements

### Insurance Recovery Litigation and Related Matters

- A large public university, in its recovery of insurance proceeds for settlements of sexual abuse claims by a former athletic coach.
- A regional bank, in connection with a claim under its financial institution bond for losses due to a fraudulent scheme perpetrated through a client's computer system.
- A social media company, in litigation against its property insurer for business interruption losses arising out of the COVID-19 pandemic.
- Individual homeowners, in litigation seeking property insurance coverage for a total loss of an architectural masterpiece in Southern California due to mudslides; obtained eight-figure recovery.
- A community bank, in an insurance recovery litigation against its banker's professional liability insurer arising out of claims involving an alleged Ponzi scheme perpetrated by certain depositors.
- A steelmaking concern, in an arbitration against its worker's compensation liability insurer for return of collateral held by the insurer under the program's payment agreement.
- A real estate concern, in litigation against its environmental liability insurer for pollution remediation costs associated with a mixed-use development project.
- An owner of a popular regional chain of clothing and lifestyle retail stores, in litigation against its stock throughput insurer for extensive losses to merchandise caused by a hurricane.

### Commercial and Other Litigation Matters

- A producer of premium smoked salmon, in litigation against its former supplier and parent companies for tortious interference and fraudulent conduct in disrupting consummation of a lucrative business transaction.
- 500 gas station and convenience store owners, in a contract and competition litigation against their franchisor; trial counsel in a five-week bellwether trial.
- Individual private wealth management clients, in a FINRA arbitration against a leading financial services firm based on the client advisor's fraud in the sale of premium-financed life insurance; lead trial counsel.
- Owners of a closely held apparel company and associated entities in dissolution proceedings and related litigation with co-owners regarding issues of control, enforcement of governing documents, and sales of assets.

## Admissions

- California

## Memberships

- American Bar Association - Section of Litigation

## Education

- Stanford University, AB, with distinction and departmental honors
- Harvard Law School, JD

## Recognitions

- 2022, “Leader of Influence: Thriving in Their 40s,” listed by *Los Angeles Business Journal*
- 2022, “California Lawyer Attorneys of the Year,” listed in the *Daily Journal*
- 2020–2023, Insurance: Policyholder Law (California), listed in *Chambers USA*
- 2018–2019, listed in *Legal 500*

## Professional Activities

- Member, American Bar Association, Section of Litigation, Insurance Coverage Litigation Committee
- Member, National Association of College and University Attorneys (“NACUA”)

## Languages

- English
- Spanish