

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, 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.

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 Brown Armstrong, United States District Court for the Northern District of California.

Select Engagements

Insurance Recovery Litigation and Related Matters

- A major financial institution, in its insurance coverage action against its primary professional liability, technology, and multimedia insurer, including helping to obtain a summary adjudication ruling that fixed, minimum statutory damages available under California's Invasion of Privacy and similar statutes are not excluded "fines, . . . sanctions or penalties" for insurance coverage purposes.
- A leading private equity firm, in its recovery of \$200 million in professional services liability insurance for its settlement of litigation arising out of an aborted merger involving one of its portfolio companies.
- 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 community bank, in an insurance recovery litigation against its bankers professional liability insurer arising out of claims involving an alleged Ponzi scheme perpetrated by certain depositors.
- Individual homeowners seeking property insurance coverage for a total loss of an architectural masterpiece in Southern California due to mudslides; obtained eight-figure recovery.
- A social media company, in a dispute with its technology professional services liability insurer over rates for independent (Cumis) counsel's fees incurred in its defense against first-impression litigation.
- A financial services institution, in an insurance coverage litigation against its D&O carrier for indemnity for claims arising out of fraudulent conduct by one of its brokers.

Commercial and Other Litigation Matters

- A producer of premium smoked salmon, in a litigation against its supplier for significant financial losses due to bacteria contamination; obtained a favorable ruling on a key issue of first impression in California implied warranty law.
- 500 gas station and convenience store owners, in a contract and competition litigation against their franchisor; trial counsel in a five-week bellwether trial.
- Lead trial counsel for 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.
- A certified nationwide class of annuity policyholders, in a litigation recovering substantial per class member General Policy Relief in an insurance market conduct class action.

Admissions

- California

Memberships

- American Bar Association - Section of Litigation

Education

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

Recognitions

- 2020, 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
- Board Member, Harvard Law School Association of Los Angeles