



901 Main Street
Suite 4000
Dallas, TX 75202
TEL: (214) 749-4217
FAX: (214) 760-8994
dwinter@zellelaw.com

PRACTICE AREAS

- Bad Faith and Extra-Contractual Liability
- Breach of Contract
- Commercial Litigation
- Engineering and Construction
- Insurance
- Pandemic Claims and Litigation
- Property Insurance

BAR AND COURT ADMISSIONS

- State Court: Texas
- U.S. Court of Appeals: Fifth Circuit
- U.S. District Court: Eastern, Western, Northern and Southern Districts of Texas

EDUCATION

- University of Texas School of Law, J.D., with honors, 2002
- University of Texas at Austin, B.S., Mathematics, 1997

David's practice focuses primarily on advising clients on commercial insurance coverage disputes and assisting with any resulting litigation. His experience includes cases involving commercial property, errors and omissions, general liability, and employee dishonesty insurance policies. He also has experience in analyzing the complex issues associated with both facultative and treaty reinsurance.

David has particular experience representing global insurance carriers in disputes stemming from natural disasters - including Hurricanes Katrina, Wilma, Ike, Harvey, Laura, and Delta, as well as Winter Storm Uri. He also has substantial experience with claims for property damage and time element losses arising from damage to refineries, chemical plants, computer chip manufacturers, and wind farms.

REPRESENTATIVE MATTERS

Represented market of insurance carriers in a \$285 million arbitration arising out of stress corrosion cracking at a Texas refinery. Arbitration panel found for the insurers.

Represented various insurance carriers in assessing and responding to claims for business interruption losses arising from COVID-19 by numerous insureds, including hotel chains, restaurants, refineries, and amusement parks.

Bexar County Hospital District d/b/a University Health System v. Factory Mutual Insurance Company, 475 F.3d 274 (5th Cir. 2007). Fifth Circuit affirmed summary-judgment ruling in favor of commercial property insurer on deductible calculation of "time element loss."

Obtained ruling on behalf of commercial property insurer following ten-day arbitration of \$75 million claim by Fortune 100 retail company arising out of Hurricane Katrina.

Obtained summary judgment ruling in \$11 million commercial general liability coverage dispute arising from construction defects at apartment complex.

Represented commercial property insurer in \$178 million reinsurance coverage dispute arising from employee sabotage of supercomputer.

Represented multiple property insurers in coverage dispute involving \$81 million claim arising out of a fire at a petrochemical refinery.

Represented property insurer in insurance coverage litigation involving \$250 million of alleged damages arising out of Hurricane Katrina.

Represented professional liability insurer in \$10 million coverage dispute.

Represented excess errors and omission insurance carrier in \$33 million claim arising from error in human clinical trial.

Represented multiple commercial property insurance carriers in \$373 million business interruption claim arising from damage to chemical manufacturing facilities arising from Hurricane Ike.

Represented reinsurer for excess general liability carrier in \$1 million dispute with primary liability carriers involving coverage for settlement of a nursing home liability case.

ARTICLES & PRESENTATIONS

"Laur V. Safeco – Where the Actual Facts Matter to Determine Coverage, as Opposed to the Insured's Characterization of Those Facts," *The Zelle Lonestar Lowdown*, July 10, 2024, author

"Expert Affidavits with Nothing More Than Conclusory, Subjective Opinions Do Not Create a Fact Issue Sufficient to Defeat Summary Judgment," *The Zelle Lonestar Lowdown*, June 13, 2024, author

"Concurrent Causation: Courts Should Not Ignore Common Sense to Find That All Claimed Damage Resulted From a Single, Covered Cause," *The Zelle Lonestar Lowdown*, January 9, 2024

"Commercial Property Insurance Coverage for Texas Winter Freeze Losses," *Claims Journal*, February 23, 2021, co-author

"Limited Power of Attorney No Substitute for AOB in Texas," *Texas Law360*, March 26, 2018, author

"Texas Hail Claims: Dealing With Multiple Disasters at Once," *Texas*

Law360, April 26, 2016, author

"Insurance Benefit Assignment to Contractors: Not in Texas," *Texas Law360*, November 16, 2015, author

"Texas High Court Clarifies Multiple Perils Coverage Scope," *Texas Law360*, May 8, 2015, author

PROFESSIONAL AFFILIATIONS

American Bar Association

Dallas Bar Association

Dallas Young Lawyers Association

NOTEWORTHY

David has received a NITA Advocate designation. The National Institute of Trial Advocacy (NITA) is a dedicated team of professors, judges and practicing lawyers who believe that skilled and ethical advocacy is a critical component of legal professionalism and all systems of dispute resolution that seek justice.

David was named a "Rising Star" for 2015 and 2016 by *Texas Monthly* magazine.

David B. Winter