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#### DAVID W. DODGE:

David W. Dodge represents clients throughout the United States in a variety of commercial litigation and arbitration matters, including insurance coverage and bad faith actions, as well as cases involving allegations of fraud, negligent misrepresentation, breach of contract, breach of fiduciary duty, and violation of consumer protection, securities regulation and other statutes. David's clients include franchisees, title insurance companies, mutual funds, hospital systems, automobile leasing and finance companies, tire and equipment manufacturers, trucking companies, construction companies, lenders, financial planners, and professional employer organizations, among others. Prior to taking an Of Counsel position with McCathern | Mooty in January 2009, David practiced law with Dodge & Associates, P.C., where he represented nonsubscribing employers in negligence cases, gained significant experience in drafting programmatic and individually-tailored ERISA workplace injury benefit plans, and acted as counsel in numerous commercial class action cases.

David's representative case results include:

- *Landscape Design & Construction, Inc. v. Transport Leasing/Contract, Inc.*, No. 3:00-CV-0906-D, 2002 U.S. Dist. LEXIS 2679, \*34-\*35 (N.D. Tex., Feb. 19, 2002) (first case to apply the DTPA exclusion for transactions involving consideration of over \$500,000 under Section 17.49(g) of the Texas Business & Commerce Code).
- *VT Inc. as Trustee for World Omni, LT v. GEICO General Insurance Company*, No. 3:03-CV-0522-P, 2004 U.S. Dist. LEXIS 11849, \*14-\*19 (N.D. Tex., June 16, 2004) (first Texas case holding that an innocent lienholder's right of recovery under a loss payee endorsement to a personal automobile policy cannot be defeated by the fraud of the insured).
- *Brooks v. Tex-Pack Express, L.P.*, 2004 Tex. App. LEXIS 8427 (Tex. App.—Dallas, Sept. 22, 2004) (affirming summary judgment ruling for nonsubscribing employer based on statute of limitations defense / failure to diligently attempt service).
- *Flaherty & Crumrine Preferred Income Fund, Inc., et al. v. TXU Corp.*, 242 Fed. Appx. 253 (5<sup>th</sup> Cir. 2007) (successful appeal of securities fraud action).

David frequently presents continuing education seminars for claims adjusters, insurance agents, brokers and producers. David's past presentations include:

- *Claims Handling Do's and Don'ts* (June 2004)
- *Insurance Law for Agents* (October 2005)

David earned his J.D., *cum laude*, from Mercer University School of Law and was licensed to practice law in Texas in 1997. While in law school, David was a Managing Editor of the *MERCER LAW REVIEW* and served as a clerk to Justice Hugh P. Thompson of the Georgia Supreme Court. Prior to attending law school, David earned his Bachelor of Science degree from the University of Florida, where he sat on the nine-member student government committee responsible for allocating \$4.6 million in student activity fees.

David is licensed to practice law before all Texas state courts and admitted to practice before the United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas, the Northern District of Oklahoma, the District of Colorado, the Southern District of Indiana, the Eastern District of Missouri, and the Fifth and the Eleventh Circuit Courts of Appeals. David is an active member of the Dallas Gator Club, the Dallas Rugby Football Club, and the Dallas Area Phi Kappa Tau Alumni Association.

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