SQUIRE PATTON BOGGS

G. David Godwin

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About G. David

Dave Godwin represents companies in nationwide insurance coverage and class action matters, as well as manufacturers in product liability and mass tort litigation.

In both these areas, he has served as national coordinating counsel, assessing his clients' overall risk in high exposure, multijurisdictional disputes, formulating strategic plans to achieve optimal outcomes.

Dave has represented insurers and manufacturers in high stakes litigation for the past 30 years. He has successfully tried matters to juries in state and federal courts. Dave frequently calls on his engineering background in defense of his clients. He easily grasps complex processes in manufacturing, design and operational exposures, which gives him the ability to explain arcane technical concepts to juries in laymen's terms. He deposes expert witnesses in their own language, thus, exposing questionable opinion "evidence." In highly complex litigation, his technical background is an asset both unexpected and effective.

Insurance Coverage

Dave represents insurers nationwide in class actions and multiparty toxic tort and environmental matters. He is also currently representing insurers in numerous first-party business interruption coverage claims stemming from the COVID-19 pandemic. Most of Dave's coverage actions include a bad faith component, in which his clients are exposed to extra-contractual liability. His cases often involve broad portfolios of claims, requiring him to create consistent nationwide strategies to minimize clients' overall risk exposure.

Dave has litigated a wide variety of coverage cases, including contamination caused by the release of hydrocarbons, PCBs, solvents, sewage, lead, arsenic and other toxic metals and mass tort claims involving bodily injuries allegedly resulting from exposure to asbestos, lead, tobacco, EMF, pesticides and other toxic chemicals/products.

Other example representations include claims related to COVID-19 business interruption, patent infringement, TCPA violations, investment fraud, commercial real estate and construction delay/defects.

Products Liability

Dave regularly coordinates the nationwide defense of manufacturers in product liability actions. As many of these actions involve non-US companies, he often argues jurisdictional issues in an effort to keep his clients out of US courts.

He has litigated a wide variety of matters, including class actions involving food-borne illness and product labeling claims; auto products liability lawsuits; and claims arising from durable goods manufacturing – including, by way of example, claims involving steel pipe used for transportation of petroleum products, firearms, and automobile restraint systems.

Experience

- Lead counsel for insurer defending assigned claim for coverage of tort claim against insured. Plaintiff was severely injured during an assault at the insured's bar establishment. We moved to dismiss the complaint, arguing the assault and battery exclusion applied to the allegations of the complaint. The district court granted the motion and entered judgment in favor of our client. Plaintiff appealed and the 9th Circuit affirmed. *Desalegn v. Century Surety Company*, 765 Fed. Appx. 191 (9th Cir. Mar. 19, 2019).
- In September 2018, completed a multi-phased trial in defense of a primary insurer in a contribution claim between multiple insurers of an alleged manufacturer of asbestos-containing products. As lead counsel, obtained a favorable allocation decision, which is currently on appeal.
- Lead trial counsel in *Townsend Farms Inc., et al. v. Goknur Gida Maddeleri Enerji Imalat Ithalat Ihracat Ticaret ve Sanayi A.S., et al*, No. 8:15-cv-00837-DOC-JCG (C.D.Cal. Apr. 2017). Represented insurer and frozen fruit broker against manufacturer and obtained favorable jury verdict on all claims holding manufacturer liable for 2013 hepatitis A outbreak.
- Represented distributor of frozen fruit product in dozens of bodily injury lawsuits and class actions related to hepatitis A outbreak in 2013.
- Coordinated product liability and corporate governance/compliance matters for multinational assembler and distributor of automobiles in Asia.
- Negotiated agreement with the Port of Stockton resolving a dispute with client who operates a bulk dry cement distribution terminal.
- In October 2014, won a jury verdict for insurer client on a breach of contract claim against excess insurer. The case involved a dispute over sums our client, a primary insurer, paid in connection with a Hepatitis A outbreak at a Pennsylvania restaurant. The trial sought recovery against an excess insurer under a "tender agreement" between the two companies. The Ventura County Superior Court convened a jury trial to decide between the parties' respective interpretations of their agreement. After hearing extensive evidence about the formation of the tender agreement and the parties' actions in connection with it, the jury sided with our client and awarded the full amount requested, US$3.5 million.
- Defeated insured's bid to secure an additional limit of liability for 60day extension of policy period.
- Obtained summary judgment for insurer holding that insured failed to provide notice of claims as required under the policies and that notice-prejudice rule was not applicable.
- Won summary judgment on behalf of life insurer who failed to give statutory notice of cancellation to assignee of part of the policy benefits. The court held that the cancellation was effective as to other policy beneficiaries.

Credentials

Education

- University of San Francisco, J.D.
- University of Michigan, B.S.

Admissions

- California, 1990

Memberships & Affiliations

- American College of Coverage Counsel
- Federation of Defense and Corporate Counsel (Past Chair, Extra-Contractual Liability Subcommittee)
- Fellow of the American Bar Foundation
- Fellow of the American College of Coverage Counsel
- American Bar Association Section of Litigation Insurance Coverage Litigation Committee (Co-chair, Directors and Officers Subcommittee)
- Association of Business Trial Lawyers
- Claims and Litigation Management Alliance

Recognitions

- Recognized in *The Best Lawyers in America* 2023-2026 for Insurance Law
- *Chambers USA* 2021-2023 – Insurance: Insurer – California
  - "David Godwin handles a wide range of insurance coverage matters. He is able to draw on his engineering background when representing manufactures in complex mass tort litigation."
  - "A very solid and experienced attorney – he is incredibly smart."
- Rated AV Preeminent (highest possible rating in legal ability and ethical standards) by Martindale-Hubbard
- *Who's Who Legal* – Insurance and Regulation for California

Expertise

Services

- Litigation

Publications & Speaking Engagements

Speaking Engagements

- Panelist, "Duty to Defend Bad Faith Issues," American College of Coverage Counsel, 2020 Annual Meeting, September 24, 2020.
- Panelist, "The Insurance Implications of Cutting Edge Technologies," Federation of Defense Incorporated Counsel (FDCC) Annual Meeting, Banff, Alberta, July 30, 2015.
- Presenter, "Handle With Care: Bad Faith in the Absence of Coverage," FDCC Winter Meeting, Marco Island, Florida, March 2014.
- Presenter, "Strategic Considerations for Selection of Forum," ABA Annual Meeting of the Insurance Coverage Committee of the Litigation Section, March 7, 2009.
- Presenter, "How Much Coverage Do We Have? Pushing the Limits of MultiYear Policies," ABA Insurance Coverage Litigation Committee Meeting, Tucson, Arizona, March 2006.
- Presenter, "Privileged Communications and the Claims Adjusting Process," ABA Insurance Coverage Litigation Committee Meeting, Tucson, Arizona, March 2004.
- Presenter, "Fundamentals of Insurance Coverage Litigation," CEB, San Francisco, April 27, 2001.
- Presenter, "Corporate Acquisitions: Environmental Liability Coverage for Successor Entities," Mealey's Emerging Insurance Coverage Issues Seminar, Boston, Massachusetts, April 2000.
- Presenter, "No Settlement and No Judgment Means No Coverage," ABA Midyear Meeting, Tucson, Arizona, March 1999.

Publications

- Co-author *Bad Faith is Fairly Debatable*, American College of Coverage Counsel, September 2020
- Author, "Controlling The Defense: When Great Minds Don't Think Alike – The Dynamics Of Policyholder, Primary And Excess Insurer Interests In High Exposure Cases," American College of Coverage Counsel, 2019 Annual Meeting.
- Co-author, "Handle With Care: Bad Faith in the Absence of Coverage," *FDCC Quarterly*, a publication of the Federation of Defense & Corporate Counsel, Inc., 11812 North 56th Street, Tampa, FL 33617, Spring 2015.
- Co-author, "Advertisement Offenses – Patent, Trademark, False Designation of Origin, Trade Secrets and Domain Names: Applicability of AdvertisementSpecific Exclusion – Infringement of Copyright, Patent, Trademark or Trade Secrets, Except in Your Advertisement of Copyright, Trade Dress or Slogan (exclusion i.)," Chapter 16 of *Defense Research Institute's (DRI) Coverage B: Personal and Advertising Injury Compendium*, May 2014.
- Author, "Lost a Duty to Defend? The Duty to Defend Under a Missing Liability Policy," *Coverage*, Vol. 21, No. 3, January/February 2011.
- Author, "Limits Don't Grow on Trees: Why Limits of MultiYear Policies Cannot Be Annualized," *ABA Midyear Meeting Materials*, Tucson, Arizona, March 2006.
- Author, "No Settlement and No Judgment Means No Coverage," *Coverage*, Vol. 9, No. 4, July/August 1999.
- Co-author, "Scientific Expert Testimony: Who Is Watching the Gate in California?" *California Litigation*, Vol. 8, No. 3, Spring 1995.

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.