

David P. Donahue

Principal

Birmingham

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David Donahue's primary goals as an attorney are to provide top tier legal service and aggressive advocacy within a cost-effective and common sense approach. For David, making the jobs of his clients easier, by being accessible, providing timely updates and offering sound legal advice form an important part of achieving those goals.

In other words, providing top tier legal service means, above all, "no surprises" and "no drama." And providing top tier legal service in a cost-effective and common sense manner means, rather than taking a one size fits all approach, each matter is evaluated, staffed and handled based upon its unique facts and circumstances in order to create maximum value for the client.

For over 20 years, insurance and financial service companies have trusted David to represent them in high stakes matters filed all over the country. He is a member of the Association of Life Insurance Counsel and is a frequent speaker on insurance industry trends and litigation topics. David's expertise and experience in insurance and financial services matters has been regularly recognized by his peers in publications such as "Best Lawyers," "Super Lawyers" and Birmingham Magazine's "Top Attorneys."

David grew up in Tuscaloosa, Alabama with people from a wide range of backgrounds and circumstances. This life experience taught him not only the value of hard work but also the importance of giving back to the community. To that end, David regularly represents clients in pro bono matters through Volunteer Lawyers Birmingham. He also represents unaccompanied children in immigration matters. In addition to pro bono representation, David currently serves as a member of the Board of Directors of The Literacy Council of Central Alabama.

2001 Park Place North
Suite 1500
Birmingham, AL 35203

AREAS OF PRACTICE

General Litigation

Insurance & Healthcare
Regulatory Compliance and
Transactional

Insurance Coverage Disputes &
Bad Faith Claims

Life, Health, Disability & ERISA
Litigation

EDUCATION

- University of Alabama
School of Law, J.D., *magna
cum laude*, 1998
- University of Alabama, B.A.,
1993

ADMISSIONS

Alabama

Florida

U.S. District Court, Northern,
Middle and Southern Districts
of Alabama

U.S. Court of Appeals, Eleventh
Circuit

U.S. District Court, Middle and
Southern Districts of Florida

U.S. Court of Appeals, Ninth
Circuit

Awards & Accolades

- Martindale-Hubbell AV[®] Preeminent Rating
- Recognized in Mid-South Super Lawyers, 2012-2018
- Recognized in Birmingham Magazine, Top Attorneys, 2016
- Recognized in The Best Lawyers in America[®], 2018, 2021

Experience

- Obtained complete defense verdict for major life insurance company in September 2019 jury trial in Southern District of Texas on breach of contract and bad faith claims involving contestable life insurance policy.
- Successfully argued appeal before the Ninth Circuit Court of Appeals in 2018 to obtain reversal of decision by the Northern District of California overturning arbitration award on the basis of “evident partiality.”
- Recently obtained a “zero award” on behalf of a major life insurance company following two week arbitration involving claims of breach of contract and tortious interference with business relationship brought by a large independent insurance agency.
- Currently representing the City of Birmingham, Alabama in several sales and use tax litigation matters involving allegations of discriminatory taxation.
- Represented several property insurers and managed large docket of first party property claim matters filed throughout Florida.
- Obtained favorable settlement in RICO class action recently filed in the Northern District of Alabama involving sale of limited benefit medical insurance.
- Obtained summary judgment in \$5M life insurance reinstatement case involving a life settlement filed in the Central District of California. The decision was recently affirmed by the Ninth Circuit Court of Appeals.
- Obtained summary judgment in \$5M life insurance reinstatement case involving a life settlement filed in the District of Colorado.
- Obtained defense verdict in bad faith claim involving credit life insurance policy in case filed in Raleigh County, West Virginia.
- In one of the first favorable cases for the insurance industry, obtained summary judgment in multi-million dollar stranger owned life insurance case filed in the Northern District of Georgia. The decision was later affirmed by the Eleventh Circuit Court of Appeals.
- Achieved favorable legal precedent for life insurance industry in stranger owned life insurance matter filed in the Northern District of Indiana by obtaining ruling allowing company to dispute claim made after the policies contestability period on basis of lack of insurable interest.
- Obtained dismissal of two putative class actions pending in Alabama and Mississippi related to premiums charged for cancer indemnity policies.
- Obtained dismissal of putative class action filed in the Middle District of Alabama involving rates charged for property insurance policies.

News & Alerts

Second Texas Federal Court Holds "Intent to Deceive" Not a Required Element of Claim for Rescission of Life Insurance Policy in Effect for Less Than Two Years
Alert, *Insurance Law Client Alert*, 12.07.2020

44 Bressler Attorneys Recognized By Best Lawyers in America 2021, Including 2 "Lawyers of the Year"
Firm News, 08.20.2020

26 Bressler Attorneys Recognized by Best Lawyers in America 2020, Including 3 'Lawyers of the Year'
Firm News, 08.15.2019

13 Bressler Attorneys Recognized by Mid-South Super Lawyers in 2018
Firm News, 11.08.2018

25 Bressler Attorneys Recognized by Best Lawyers in America 2019
Firm News, 08.15.2018

Civic Involvement

- Board of Directors, The Literacy Council of Central Alabama

Professional Affiliations

- Member, The Association of Life Insurance Counsel
- Member, American Bar Association
- Member, Defense Research Institute
- Member, Alabama State Bar Association
- Member, Birmingham Bar Association

Get to Know David

David enjoys all aspects of being an attorney. He appreciates the challenge of drafting an appellate brief as much as that of cross examining a witness at trial. This is likely what happens when natural curiosity combines with general competitiveness.

Outside of the office, David has a wide range of interests. In his spare time, he is just as likely to be found reading books on history and philosophy as he is watching *Shawshank Redemption* or *Road House*. Since his teens, David has played bass in a variety of local and regional bands and has recently started writing and recording music for use in commercials and film.