



David C. Capell

PARTNER

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RELATED SERVICES

- Insurance
- Government Investigations & Enforcement Defense
- Life, Health, Disability & ERISA
- Property Insurance
- Healthcare
- Bad Faith
- Directors & Officers Coverage

OFFICES

- San Francisco
- Fresno

OVERVIEW

David Capell, a partner at GRSM since 1992, specializes in advice to and litigation on behalf of insurers with regard to their varied business needs. David focuses on addressing the most challenging problems confronting insurers. He is also involved in management of the firm's national Insurance practice group, having been its chair for many years. His role within the practice group helps him organize nationwide resources to support the insurance industry.

David has litigated cases, typically alleging bad faith, involving the following types of insurance and related financial products: property and casualty; directors and officers; errors and omissions; life, health, and disability, including California's healthcare service plans; annuities; personal lines; and

policies affording coverage for environmental exposures. He has also resolved class actions related to these financial products. David has a broad range of trial and appellate experience in this specialized field due to the depth and breadth of his engagements.

A complementary part of David's practice has been representing insurance agents and brokers. His understanding of the distinct issues confronting these entities, e.g., dual agency questions or the existence and scope of duties, permits him to further refine his client's litigation strategy, whether the client is an insurer or an agent or broker.

In 2009, the Insurance Group of GRSM debuted in the California section of Chambers USA: *The Client's Guide to America's Leading Lawyers for Business*. According to Chambers USA, "Department head David Capell has made a name for himself in property and casualty litigation, where clients say his 'upfront *analysis means we are able to set things out properly and know exactly which course of action to take.*'" Chambers USA also described the California Insurance Group as follows: "This efficient and thorough department makes its debut in the table this year after interviewees highlighted its knowledgeable and assertive attorneys who are '*true to their word and not afraid to take something all the way.*'"

The Insurance Group has continued to be ranked in the California section of Chambers USA since its debut in 2009. In 2012, clients described the lawyers in the group as "knowledgeable, thoughtful, diligent," "do not promise more than they can deliver," and "sometimes deliver miracles." David was highlighted as a "key individual" whose clients describe him as "*brilliant, analytical, thorough, persistent, and formidable.*"

Prior to attending law school, David practiced civil engineering for five years. He continues to be a licensed professional engineer in California.

REPRESENTATIVE EXPERIENCE

Representative Experience

- Summary disposition or trial of insurance disputes arising out of questions related to liability for contamination, workers compensation, cable television licensing, employment, toxic torts, and other claims.
- Handled cases on appeal involving distinctive issues involving workers compensation insurance, limitations on the scope of conduct for which bad faith damages may be recovered, and punitive damages recoveries against insurers.
- Successfully handled class actions and suits based on Business & Professions Code section 17200, a statute peculiar to California.

- After being asked to take over bad faith case based on denial of healthcare benefits in which key depositions had already been taken, used a variety of motions other than summary judgment to reduce damages for breach of contract from \$15 million to \$45,000 and then resolved the matter for a fraction of the client's authority.
- Secured dismissal of class action based on foreign currency exchange practices brought against financial services company.
- Defended bad faith litigation in Arizona arising out of pollution claims, defeating a \$20,000,000 property damage claim and, upon reversal on appeal, contribution claims.
- Currently handling coverage litigation involving hundreds of underlying claimants who allege molestation and settlements by a governmental entity totaling almost \$300,000,000 and policies in effect for decades.
- Resolved bad faith litigation arising out of fraud claims against various healthcare entities based on overcharging for services with damages potentially exceeding \$100,000,000.

CREDENTIALS

Admissions

- California
- U.S. District Courts, California
- U.S. Court of Appeals, Ninth Circuit

Education

- J.D., University of California, Hastings College of the Law, 1984
- Editor, *Hastings Law Journal*
- B.S., Civil Engineering, University of California, Davis, 1976

Honors

- *Chambers USA: America's Leading Business Lawyers*
Recognized as one of the leading Insurance lawyers in California (2009-2024)
- *Best Lawyers in America*® distinction in Insurance Law (2013-2025)
- *Super Lawyers*® distinction in Insurance Coverage (2019, 2020, 2023, 2024)