



## David L. Jones

### PARTNER

Los Angeles

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### RELATED SERVICES

- Insurance
- Life, Health, Disability & ERISA
- Employment
- Trial Practice
- Professional Liability Defense
- Product Liability
- Bad Faith

### OFFICES

- Los Angeles
- Ventura County

### OVERVIEW

David Jones joined GRSM in the summer of 2002 as a member of the firm's Litigation and Insurance practice groups. He specializes in the defense of insurance (including bad faith lawsuits) and commercial litigation matters. David also actively litigates professional liability cases, including professional malpractice claims against insurance agents and brokers, health care lawsuits, and real estate related matters.

David has handled claims and suits arising in the areas of liability and property (e.g., advertising injury, mold, environmental, products, aviation, health care, technology, commercial disputes, construction, homeowners), life insurance (e.g., suitability issues, illustration issues, agent and broker issues), and bad faith (including elder abuse bad faith). He also has significant experience defending agents and brokers and other professionals. He has tried over 30 cases involving many types of actions including bad faith, malpractice, personal injury and product liability lawsuits.

David has argued before the court of appeal on five occasions and has several reported appellate decisions.

## REPRESENTATIVE EXPERIENCE

### Representative Experience

Examples of Davids' experience include the following:

- Obtained dismissal with prejudice and an apology letter to the employer in a wrongful termination action involving a restaurant and night club manager
- Favorably settled wrongful termination and retaliation action after three years of litigation
- Obtained unanimous defense jury verdict in Las Vegas trial where plaintiff law firm sued its client, an insurer, for breach of contract and a multi-million dollar damage claim alleging that the insurer failed to honor promises to provide a specific quantity, quality and value of subrogation cases to handle on a contingency fee basis
- Obtained nonsuit at jury trial on behalf of a life insurance broker in a multi million dollar suit involving charitable trusts
- Defended an errors and omissions carrier at jury trial in a bad faith suit arising from a legal malpractice case allegedly settled without consent
- Obtained summary judgment on behalf of attorney sued for legal malpractice on the basis that mediation privilege barred the suit
- Obtained judgment and dismissal for architect alleged malpractice where defendants brought architect in on a cross action
- Obtained summary judgment for insurance broker sued for allegedly failing to procure requested coverage
- Obtained summary judgment on behalf of health care provider in case involving a suicide after early release from a “72 hour hold”
- Obtained dismissal of a bad faith suit brought by an insured on the grounds that carrier improperly settled wrongful death suit against him requiring him to pay an excess settlement
- Defended insurer at jury trial of bad faith case arising from alleged theft of personal belongings in a moving truck
- Defense verdict on bad faith cause against an insurer of non profit institutions involving alleged collapse” of part of a Church in the face of a demand for settlement of 10 million dollars
- On Appeal, briefed, argued and overturned the granting of a partial new trial on defense of bad faith case involving alleged collapse of part of a Church
- Demurrer sustained without leave to amend on behalf of financial advisors in alleged investment malpractice case involving life insurance vehicles, hedge funds and the yen

- Defense nonsuit (upheld on appeal) in insurance bad faith case involving earth movement case against famous local football player in San Diego
- Obtained non suit in a duty to defend case against a third party who had sustained serious burns in the roll-over of a catering truck, when the defendant improperly assigned rights and stipulated to a 6.6 million dollar judgment
- In the face of a 4 million dollar settlement demand, tried a legal malpractice case to a verdict of \$67,000. The case involved a clear conflict of interest, but speculative damages
- While the jury deliberated, settled an insurance bad faith duty to defend case, arising from an unfair competition suit against the insured, for less than half of the fees allegedly incurred in the defense, with no allocation of any sums for bad faith
- Obtained summary judgment on behalf of the Minnesota Twins against a former player who sued the organization after a severe knee injury ended his career
- Obtained a dozen summary judgments in a row based on one year suit provisions in insurance policies before Prudential LMI v. Superior Court settled California law on the issue
- Obtained multiple summary judgments in wrongful termination cases with findings of no coverage under commercial liability policies of insurance
- Obtained defense award in binding arbitration of a forklift injury in which the plaintiff cut off his toes in a warehouse accident
- Obtained defense verdict in a product liability action involving a broken softball bat which split in two causing injury to a player
- Successfully defended a series of breach of contract and “bad faith” lawsuits against the insurer of numerous gasoline stations
- Obtained a full defense award at binding arbitration in a duty to defend case involving alleged slander by Dianna Ross against multiple former employees
- Obtained nonsuit in a duty to defend insurance bad faith case involving an airplane crash which resulted in the death of several young, high profile and wealthy businessmen
- Obtained a defense verdict in a case involving subsidence at a residential property
- Reached a favorable and creative settlement of an elder abuse suit involving the loss of several million dollars due to an investment scheme that involved alleged under-funding of life insurance policies
- Obtained defense award in a thirteen day bench trial of an insurance bad faith case involving alleged theft of several hundred thousand dollars of antiques from an otherwise unoccupied property
- Obtained summary judgment at the trial level, affirmed on appeal, in an insurance breach of contract and bad faith case involving water damage exclusion where sewage had backed up and overflowed into the insured's residence, causing extensive damage (*Smigielski v. Aetna Casualty & Surety Co.*)

## CREDENTIALS

### Admissions

- California
- California State and Federal Courts
- Hawaii Federal Court

### Memberships

- Southern California Defense Counsel

### Education

- J.D., Pepperdine University School of Law , 1983
  - *Pepperdine Law Review*
  - Phi Delta Phi legal fraternity
- B.A., Loyola Marymount University, 1979