



David M. Clarke

PARTNER

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RELATED SERVICES

- Healthcare
- Commercial Litigation
- Trucking
- Transportation
- Construction
- Employment
- Construction Professionals

OFFICES

- Atlanta
- Denver
- Salt Lake City

OVERVIEW

Dave Clarke is an experienced advocate and advisor to healthcare providers facing professional negligence, general liability, employment, fraud and abuse, antitrust, and regulatory disputes. He has successfully defended physicians and physician practices, nurses, hospitals, assisted living facilities, long term care and skilled nursing centers, home health agencies, hospices, and other healthcare professionals and providers. Dave also has experience handling catastrophic injury MVA and trucking cases.

Dave has spent the majority of his professional career at GRSM and recently returned from a role as Associate General Counsel for a national healthcare provider. There, he managed the professional liability, general liability, commercial, and employment claim portfolios for over 200 units in 20 states. He

also handled regulatory and compliance matters including licensing, policy and procedure development, privacy, and data security.

Dave also specializes in successfully representing general contractors, design professionals, owners, developers, subcontractors, and suppliers in construction disputes. His cases have involved industrial, commercial, public infrastructure, mixed use, multi-family, and custom single family project. He has extensive experience handling construction defect, architect and engineer errors and omissions in design, delay/impact, acceleration, inefficiency, cost overrun, and warranty disputes.

Dave also handles a variety of commercial disputes for businesses that range from Fortune 50 companies to closely-held corporations. He helps with legal issues that arise in virtually every aspect of running a business including breach of contract, premises liability, personal injury, business interruption, insurance coverage, professional negligence, shareholder disputes, licensing matters, and other complex litigation.

REPRESENTATIVE EXPERIENCE

Representative Experience

- Represented a medical device manufacturer, its principals, and related companies against its former distributor which sought indemnification and veil piercing from the clients for claims brought by injured patients throughout North America, and forced favorable settlement through extensive dispositive motion practice.
- Defended an international architect firm in cases arising out of the design of five star ski resorts in Aspen and Vail with project budgets over \$100 Million.
- Defended a national grocery retailer in a putative class action for violations of Title III of the Americans with Disabilities Act and the Colorado Civil Rights Act and prevailed on a motion to dismiss resulting in the dismissal of the entire class action.
- Represented a manufacturer of complex imaging and measuring systems in an action against a national surveying company who countersued for millions in damages for breach of warranty and negligent misrepresentation, and obtained summary judgment on the counterclaims compelling a favorable settlement before trial.
- Obtained summary judgment for a homeowner in a personal injury action on five claims resulting in resolution of the case without payment to the plaintiff.
- Defended a homeowner's association in a case brought by a group of homeowners disputing decisions made by association's architectural control committee, resulting in the Colorado Court of Appeals affirming judgment on behalf of the client.

PRESENTATIONS

- Panelist, *Data Security and Privacy: Your On-Going HIPPA Compliance Duties*, Colorado Healthcare Association and Center for Assisted Living, 2015 Spring Conference, June 4, 2015

CREDENTIALS

Admissions

- Colorado
- Utah
- Georgia
- United States District Court, District of Colorado
- United States District Court, District of Utah

Memberships

- Colorado Bar Association
- Denver Bar Association
- Georgia Bar Association
- Utah Bar Association
- American Healthcare Association
- Defense Research Institute

Education

- J.D., *cum laude*, University of Minnesota Law School, 2009
- B.A., Philosophy, Brigham Young University, 2006

Honors

- *Colorado Super Lawyers*, Rising Stars® Distinction, Healthcare and Construction Litigation: Business (2014-2017)

Languages

- German