



**David A. Johnson**

Shareholder

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**Practice Areas**

- Commercial Litigation
- Employment Law
- Healthcare Litigation
- Oilfield Injury Litigation
- Premises Liability
- Product Liability
- Tort Litigation
- Toxic, Mass Tort & Environmental Law

**Practice Emphasis**

David A. Johnson is a Senior Shareholder in the Tort and Commercial Litigation Sections of Cowles and Thompson. David's practice areas include premises liability litigation, product liability defense, labor and employment litigation, healthcare litigation, and commercial and complex business litigation.

**Representative Matters**

- Obtained take-nothing Summary Judgment on all claims of negligence asserted against a client in Collin County, Texas. Plaintiff, a professional power lifter and bodybuilder, alleged numerous personal injuries resulting from purported defects in a weight bench that Plaintiff was using while working out at a local gym. Obtained complete dismissal on all claims by arguing, on behalf of the client gym owner, that the weight bench did not constitute an "unreasonably dangerous condition," and even if there was a defect with the bench (which there was not), there was no notice to the premises owner of any alleged dangerous condition that caused injury to Plaintiff. Co-counsel with Helen Emerson. 2021
- Obtained a take-nothing Summary Judgment on all claims of products liability and negligence asserted against a client in Bee County, Texas. Plaintiff, a paraplegic inmate in the custody of the Texas Department of Criminal Justice, alleged that a heating unit on a prison bus malfunctioned and caused second- and third-degree burns to his legs during transport. Plaintiff sought in excess of \$1 million for his alleged injuries. Obtained complete dismissal on all claims through argument that there was no manufacturing, design, or marketing defect present when the product was manufactured and placed into the stream of commerce by our client. Further successfully established there was a "substantial alteration" in the product during subsequent maintenance of the product (which was outside the control of the client) that proximately caused the alleged injuries. Co-counsel with Helen Emerson. 2021
- Obtained numerous Summary Judgments and complete dismissals of premises liability/negligence claims in Dallas, Tarrant, Collin, and Rockwall Counties for national retail client. 2002-2021
- Successfully limited damages to less than \$200,000 at a jury trial in Dallas County where Plaintiff sought damages in excess of \$7 million against franchisee client related to injuries to lumbar spine resulting in multiple surgeries, as well as traumatic brain injury. 2018
- Successful jury trial in which plaintiff sought damages in excess of \$5 million for alleged injuries arising out of a trucking accident with our client, an oil field services company. By stipulating to liability and contesting the

plaintiff's alleged brain injury, we limited damages to those relevant to the plaintiff's uncontested spinal injury, which were a fraction of those sought by the plaintiff from the West Texas jury. 2018

- Obtained Summary Judgment and complete dismissal of all claims in state court on behalf of a client where Plaintiff claimed over \$100,000 in damages in a premises liability claim against client. 2017
- Obtained Summary Judgment and complete dismissal of all claims asserted against a contractor client. Plaintiff alleged the contractor failed to perform requested repairs to a local hotel, which allegedly resulted in Plaintiff suffering significant injuries in a fall down a staircase in the hotel. Plaintiff sought in excess of \$5 million in the lawsuit against multiple Defendants, including our client. 2016
- Successfully first-chaired a complete, take-nothing defense verdict in a jury trial involving various claims of negligence, assault, battery, intentional infliction of emotional distress and gross negligence against a multi-national retailer client. Plaintiff sought in excess of \$5 million in damages from the firm's client in the lawsuit. 2016
- Obtained Summary Judgment and complete dismissal of all claims in state court on behalf of a client where Plaintiff claimed assault and intentional infliction of emotional distress. 2016

### **Publications**

- "One Step Forward, Two Steps Back: Construction of Restrictive Covenants After the Implementation of Section 202.003 of the Texas Property Code," author, Volume 32, Number 2 of the *Texas Tech Law Review*
- Multiple speaking engagements to insurance professionals throughout United States on various topics related to Texas law, including strategies for defending premises liability cases in Texas, strategies for defending claims of traumatic brain injury in personal injury litigation, and recovery of past and future medical expenses in personal injury litigation in Texas.

### **Education**

- J.D., *cum laude*, Texas Tech University School of Law, 2001
  - Student Writing Editor, Law Review, 2000-2001
  - Member, Phi Delta Phi, 1999-2001
  - Dean's Executive Award, 2001
  - Scribe's Award, Law Review, 2001
- B.S., Political Science, Texas A&M University, 1998

### **Admissions**

- State Bar of Texas, 2001
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Texas

### **Memberships**

- State Bar of Texas
- Dallas Bar Association
- Texas Bar Foundation, Fellow (2010-12)
- Patrick E. Higginbotham American Inn of Court, Associate, 2007-2008

## Honors

- *Best Lawyers in America*© -- Personal Injury Litigation -- Defendants, by *Best Lawyers*®; selected for inclusion 2019-2021
- *Texas Super Lawyers*© by Thomson Reuters®; selected for inclusion 2017-2020
- *Texas Rising Stars*© by Thomson Reuters®, selected for inclusion 2007, 2008, 2010-2015.