



**David J. Metzler**  
Managing Shareholder

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**Practice Areas**

- Commercial / Business Litigation
- Construction
- Coverage and Insurance Litigation
- Oilfield Injury Litigation
- Premises Liability
- Product Liability
- Professional Liability
- Real Estate Litigation
- Sports and Entertainment Law
- Tort Litigation



**Practice Emphasis**

David J. Metzler is a Shareholder and Section Head of the Cowles and Thompson Coverage and Insurance Litigation Practice Group. His practice is devoted to tort, commercial and insurance coverage issues. David also advises clients on insurance and entertainment law, and has significant experience in litigating real estate disputes.

**Representative Matters**

- Represented insurer in successful action by excess carrier to recover defense costs from primary insurers that improperly denied coverage. See *Continental Cas. Co. v. N. Am. Capacity Ins. Co.*, 683 F.3d 79 (5th Cir. 2012)
- *Continental Cas. Co. v. N. Am. Capacity Ins. Co.*, 683 F.3d 79 (5th Cir. 2012) (representing insurer in successful action by excess carrier to recover defense costs from primary insurers that improperly denied coverage).
- *Philadelphia Indem. Ins. Co. v. Creative Young Minds, Ltd. D/B/A Primrose School of Walnut Creek*, 679 F. Supp. 2d 739 (N.D. Tex. 2009) (successfully defended insurance carrier's denial of coverage).
- *All Saints Catholic Church v. United Nat'l Ins. Co.*, 257 S.W.3d 800 (Tex.App.--Dallas 2008, no writ) (successfully defended property insurer in coverage dispute involving more than one cause of property damage).
- *Lincoln General Ins. Co. v. Aisha's Learning Center*, 468 F.3d 857 (5th Cir. 2006) (successfully represented insurer in suit arising out of denial of coverage based upon "auto" exclusion in CGL policy)
- *American Home Assur. Co. v. United Space Alliance, LLC*, 378 F.3d 482 (5th Cir. 2004) (represented primary and excess carrier at trial of claim for wrongful refusal to defend)
- *Southstar Corp. v. St. Paul Surplus Lines. Ins. Co.*, 42 S.W.3d 187 (Tex. App.--Corpus Christi 2001, no pet.) (successful defense of insurer in "advertising injury" coverage and bad faith dispute)
- *St. Paul Fire & Marine Ins. Co. v. Convalescent Services, Inc.*, 193 F.3d 340 (5th Cir. 1999) (represented insurer in decision limiting insurer's Stowers duty)
- *Gracida v. Tagle*, 946 S.W.2d 504 (Tex. App.--Corpus Christi 1997, orig. proceeding) (represented insurer, real party in interest)
- *St. Paul Fire & Marine Ins. Co. v. American Int'l Surplus Lines Ins. Co.*, 1997 LEXIS 4596 (N.D. Tex. 1997)
- *Williams v. Land Title Co. of Dallas*, 1997 LEXIS 2098 (Tex. App.--Dallas 1997, no writ history) (represented Appellee)

### Speaking Engagements

- “Litigation of UM/UIM Cases,” presenter, GEICO Insurance, Dallas, Texas, June 2006
- “Texas Law Update: What’s Happening Now?,” presenter, AIGDC, Inc. Excess Casualty Group, New York, November 2005
- American Bar Assoc., Tort Trial and Insurance Practice Section, Toxic Torts and Environmental Law Committee, “Mold Litigation and Other Emerging Issues in Toxic Tort and Environmental Law,” panel member: “Toxic Mold and Insurance Coverage Issues,” Phoenix, March 2003
- “The Philistines Are Still at the Gate: Texas Bad Faith and Coverage 2003,” Cowles & Thompson, Dallas, September 2003
- “Survival of the Fittest: Texas Bad Faith and Coverage 2002,” Cowles & Thompson, Dallas, August 2002
- “Handling Mold Claims: Claims Tips and Coverage Issues,” Cowles & Thompson, Dallas, April 2001
- “Supreme Court Review,” Cowles & Thompson, Dallas, December 2000

### Publications

- Toxic Mold Litigation, Co-author, ABA Tort Trial and Insurance Practice Section, June 2003 (Author of “Mold and Insurance Coverage” chapters)
- Mold Claims: Claims Tips and Coverage Issues, *Journal of Insurance Coverage*, Winter 2002
- Keeping the Faith: Avoiding Pitfalls of Insurance Claim Handling in Texas (A Bad Faith Manual), Cowles & Thompson, April 2001
- Personal Automobile Insurance Coverage Manual, Cowles & Thompson, September 2000
- Mastering Real Estate Titles and Title Insurance in Texas, co-author, National Business Institute, March 1995
- Collection Law in Texas ("Mortgages"), co-author and speaker, Lorman Education Services, April 1995
- Judiciary Report, *TLTA News*, Vol. 23, No.2, Spring 1994 (contributing author)
- Judiciary Report, *TLTA News*, Vol. 23, No.1, Fall 1993 (contributing author)

### Education

- J.D., Southern Methodist University School of Law, 1990
- B.A., University of Texas at Arlington, 1987

### Court Admissions

- United States Supreme Court
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas

### Memberships

- State Bar of Texas
- Claims and Litigation Management Alliance
- Certified Litigation Management Professional
- Defense Research Institute, 2000-2010
- Dallas Bar Association
- St. Thomas Aquinas Catholic School, Advisory Council, 2004-2007
- City of Dallas Environmental Health Commission, Commissioner, 2007-2011

### **Honors**

- *Best Lawyers in America*®, Insurance Law, *Best Lawyers*®; selected for inclusion 2017-2021
- *Texas Super Lawyers*® by *Thomson Reuters Super Lawyers*®; selected for inclusion 2009-2020

### **Community**

- Environmental and Health Commission, City of Dallas, 2008-2010
- School Advisory Board, St. Thomas Aquinas Catholic School, 2004-2007 Term
  - Policy Committee, Chair, 2005-2007
  - Development Committee, Chair, 2006-2007
- Youth Sports Coach
  - Lake Highlands Soccer Association, 2000-2003, 2005-2006
  - Dallas Parochial League, Boys Basketball, 2005-2009