



David B. Levin

Shareholder

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David Levin focuses his trial and litigation practice in the areas of property and general liability insurance, complex commercial and business disputes, creditors' rights, real estate, and title insurance.

David is a shareholder in Baker Donelson's Fort Lauderdale office and has developed substantial experience successfully representing a broad range of private and institutional clients in state and federal court, and has tried cases throughout the state, including to jury verdict as a first chair. He has developed particular experience in property and general liability litigation, defending both insurers and insureds in all aspects of the claim and litigation process, as well as advising on coverage matters. David recently obtained two defense verdicts, one for an insurance carrier and another for a policyholder. He regularly defends financial institutions in consumer protection claims, and prosecutes and defends complex commercial and residential foreclosures. David has become a trusted advisor to insurance and banking professionals, providing guidance and recommendations in pre- and post-suit matters, and has served as an expert witness in various capacities.

David has represented insurance underwriters and third-party administrators, adjusters, insureds, medical providers, product manufacturers, motor carriers and other transportation-related companies, property and business owners, as well as private professionals in all phases of commercial and tort litigation. He also has experience in construction litigation and complex business litigation across many different industries.

Representative Matters

Insurance/Tort Litigation

- Awarded summary judgment in federal court on multi-million dollar commercial property insurance dispute, on carrier's defense that insured failure to complete repairs prior to seeking replacement cost value damages. The federal court also granted summary judgment on carrier's defense that matching costs were improperly included in insured's damage claim.
- Procured a favorable report and recommendations in federal court on behalf of property carrier, finding that insured's Hurricane Irma claim was not timely reported, that insured had failed to rebut the presumption of prejudice to the insurer, and that judgment should be entered in favor of the carrier.
- Secured a dismissal with prejudice in federal court on an assignment of benefits lawsuit, successfully arguing that the subject policy's anti-assignment provision was valid and enforceable. This is a significant ruling in view of Florida's long-standing common law prohibition on restricting post-loss insurance benefits. The court held that the carrier's status as a surplus carrier, coupled with recent legislative changes indicating an intent to abrogate Florida common law, rendered the assignment of benefits ineffective.
- Received a complete defense verdict following a five-day jury trial on behalf of two insured business owners accused of negligence in the installation of a granite monument.
- Awarded a summary judgment in federal court to the carrier's affirmative defenses to the insured's lawsuit for breach of contract, and to carrier's counterclaim for declaratory relief, following denial of an insurance claim resulting from a total fire loss to a residential property insured under a commercial policy. The federal court ruled that the carrier's interpretation of the policy's safeguard protection endorsement was correct, and that the insured was required to have multiple fire extinguishers at the loss location in order to satisfy the policy's terms and maintain coverage for the claimed loss.

- Obtained a defense verdict for property insurer following a five-day jury trial in claim involving denial of coverage for storm damage.
- Procured voluntary payment from insured and its counsel for pursuing a frivolous claim seeking hundreds of thousands of dollars to replace cast-iron piping throughout the home.
- Secured voluntary dismissal of multiple lawsuits after vigorous defense of questionable claims against a carrier.
- After establishing speculative value of the injured party's claim, expeditiously resolved a personal injury claim for an insurer prior to litigation for a fraction of the future defense costs.
- Following substantial discovery and investigation, resolved a premises liability action against a property owner for nuisance value after establishing the viable existence of legal defense.
- Received a favorable ruling for a surplus lines carrier, defeating insured's claim that carrier wrongfully refused to participate in appraisal.
- Retained to represent a client facing a bad faith attorneys' fee award in a dispute over the appraisal of a commercial property loss; persuaded the trial court to reverse its ruling, vacate the attorneys' fee award, and dismiss the case outright.
- Following an aggressive defense, settled numerous claims that had been removed to federal court for nuisance value payments, saving carrier substantial amounts of defense costs.
- Acted as third-party claims administrator and resolved several hundred title claims for a large national title insurance underwriter.
- Defended a products manufacturer in numerous lawsuits throughout Florida involving alleged defective products or breach of warranties.
- Negotiated the full release in favor of an auto insurer in pre-litigation mediation, paying a fraction of the injured party's demand and securing a contribution from a third-party involved in the accident.
- Secured the dismissal of a time-barred personal injury claim for a large motor-carrier client.
- Obtained a jury verdict awarding hundreds of thousands of dollars in legal fees and costs in favor of a national title insurance underwriter in dispute with its insured owner over termination and withdrawal of insurance coverage.
- Defeated a homeowner's claim that the client breached its duty to procure mortgage insurance.
- On behalf of an insurer, settled dozens of Hurricane Irma- and Michael-related property damage lawsuits, securing the full releases for the insurer and avoiding bad faith claims.
- Obtained a bench verdict on behalf of a bank's commercial collections case involving authentication of documents, incomplete evidence, statute of limitations, an appeal, a fraudulent transfer, proceedings supplementary, and an attorney's fee dispute.
- Awarded final summary judgment defeating insured's claim for breach of a homeowner's policy following carrier's denial of a windstorm claim, which was based on a post-policy endorsement excluding roof-related damages. The court agreed that statutory notice required for policy renewals did not apply to an original issued policy, did not apply to a surplus lines carrier, and did not require premium refund to be effective.
- Successfully argued for dismissal of a roofing contractor's breach of contract claim, with the court finding that the contractor's assignment did not comply with several requirements of Florida Statute 627.7152, and that the assignment violated the policy's anti-assignment clause.
- Awarded final summary judgment in state court for a breach of contract claim, where the court ruled that the plaintiff's breach of contract was not supported by the undisputed evidence and specific contract language at issue.
- Awarded final summary judgment in the U.S. District Court for the Northern District of Florida in favor of a defendant-client, where the court agreed that the plaintiff's breach of contract claim was not supported by the undisputed evidence and specific contract language at issue.
- Secured a dismissal with prejudice of a lawsuit filed by a water mitigation vendor, with the court finding that the subject insurance policy's anti-assignment provision was enforceable, which also led to an award of entitlement to attorney's fees to our client.

- Avoided costly and risky litigation in federal court when the property carrier's motion to compel arbitration was granted over the objection of the insured.
- Defeated a motion to dismiss a federal court petition seeking declaratory relief to secure a delineated appraisal award form intended to substantially limit carrier exposure to non-covered damages. In denying the motion to dismiss, the court was persuaded by novel arguments that had not previously been considered.

Commercial Real Estate

- Obtained a bench trial judgment in favor of a private lender over commercial property located on Collins Avenue in Miami Beach.
- Foreclosed several commercial properties for an institutional lender against common borrower.
- Negotiated release of Receiver's Lien over commercial property in foreclosure.
- Recovered substantial sums owed to an institutional lender on numerous delinquent loan accounts. Recovery was obtained through settlement, post-judgment garnishment, or other execution.
- Successfully recovered tax deed surplus funds that had been absconded with by a court-appointed Receiver.
- Awarded the entire portion of condemnation proceeds, plus attorney's fees, for secured lender in an eminent domain case.
- Salvaged a commercial real estate sale through aggressive negotiation and avoided costs to defend a multi-count complaint alleging fraud against a client.

Residential Real Estate

- Defended a property owner against a wrongful multi-million dollar foreclosure by an aggrieved private lender.
- Defended a homeowner in a specific performance trial, defeating claims by the buyer that seller-client breached by failing to terminate a low-income housing deed restriction.
- Defended a mortgage holder in a quiet title action involving allegations of fraud and wrongdoing relating to a Miami Beach home valued in excess of \$1 million. Obtained judgment in the client's favor after a non-jury trial, which permitted the holder to foreclose its mortgage in a first lien position.
- Awarded multiple summary judgments declaring lenders' superior lien priority over competing mortgage holder.
- Reached a successful settlement following a week-long jury trial on behalf of the purchaser of a multi-million dollar property on Star Island in Miami Beach.
- Qualified by a Broward County Circuit Court Judge as an expert for the purpose of opining on the reasonable amount of hours spent and the reasonable hourly rate charged in a lawsuit involving a real property dispute.
- Obtained a summary judgment defeating borrowers' counterclaim of criminal usury against an out-of-state lender and later foreclosure judgments overcoming similar usury-based defenses.
- Obtained a dismissal with prejudice of borrower's counterclaim alleging violation of the Florida Consumer Collections Practices Act.
- Resolved a complex title dispute that jeopardized a client's lien position on a foreclosed property within 48 hours of retention as counsel.



Professional Honors & Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Listed in *The Best Lawyers in America*® for Commercial Litigation and Mortgage Banking Foreclosure Law (2023 – 2025)
- Listed in *Best Lawyers: Ones to Watch in America*™ for Commercial Litigation (2021)
- Named as a "Rising Star" in the area of Business Litigation in *Florida Super Lawyers* (2012 – 2021)
- Noted as a *Florida Trend* "Up and Comer" (2013 – 2014)
- Named as a "Top Up and Comer" in the 2019 *South Florida Legal Guide*

- Named to the 2013 Cystic Fibrosis Foundation, Outstanding Lawyers of Miami-Dade County "40 Under 40"
- Member – Florida Defense Lawyers Association
- Member – The Florida Bar, Young Lawyers Division
- Member – American Bar Association
- Member – Dade County Bar Association, Young Lawyers Section
- Leadership Miami, Class XXXIII
- Charter Member – Miami Beach Jewish Community Center
- Member – Florida Land Title Association
- Chairman – Temple Beth Sholom Bone Marrow Donor Drive
- Volunteer – Dade County Bar Association Legal Line
- Member – Florida Lawyers Network, Fort Lauderdale Chapter, Real Estate Litigation
- Member – Humane Society of Broward County, PetSet



Publications

- "Big Changes to the Florida Rules of Civil Procedure: Here's What You Need To Know ," republished June 5, 2024, in *Daily Business Review* (May 2024)
- Co-author – "Fla. Supreme Court Poised to Decide Burden Allocation of a Late-Reporting Defense," *Daily Business Review* (May 2024)
- Co-author – "Meaningful Tort Reform on Florida Horizon," republished March 9, 2023, in *Law360* (February 2023)
- Co-author – "Hurricane Ian: An Anticipated Flood and Windstorm of Litigation Over Flood and Windstorm" (December 2022)
- Co-author – "Florida Insurance Suit Trends To Look Out For After Hurricane Ian," *Law360* (November 2022)
- Co-author – "Florida Evidence Code Update Lowers Burden For Image Use," *Law360* (September 2022)
- Co-author – "Florida's New Sixth District Court of Appeal: What It Means for Judges and Attorneys in the State of Florida," republished in *Law360* (September 2022)
- Co-author – "General Contract Clauses: Litigation Costs and Expenses (FL)," Thomson Reuters Practical Law (August 2022)
- Co-author – "The Third District Court of Appeal Affirms Carrier's Prejudice/Late-Notice Defense," republished August 8, 2022, in Lisa Miller & Associates Newsletter (July 2022)
- Co-author – "Does Your Water Damage Sublimit Really Limit Your Water Damages? It Depends...," republished in *Property Casualty 360* (July 2022)
- "Changes to Florida's Rules on Proposals for Settlement – R. 1.442," republished July 13, 2022, in *Daily Business Review* (June 2022)
- Co-author – "Worry No More – Maps and Images Subject to Judicial Notice in Florida" (June 2022)
- Co-author – "Confidentiality Agreement: General (Short Form, Mutual) (FL)," Thomson Reuters Practical Law (May 2022)
- Co-author – "Assignability of Commercial Contracts (FL)," Thomson Reuters Practical Law (February 2022)
- Co-author – "Florida Adopts Text of the Federal Summary Judgment Standard," republished July 7, 2021, in *Daily Business Review* (May 2021)
- Co-author – "Breaking Down Florida's Shift to the Federal Summary Judgment Standard" (January 2021)
- Co-author – "Does the Florida Governor's Executive Order Stay Commercial Foreclosure Cases?" (April 3, 2020)
- Co-author – "Confidentiality Agreement: General (Short Form, Mutual) (FL)," by Jennifer G. Cooper, David Levin, and Tanisha Pinkins, Thomson Reuters Practical Law (June 2019)

- Co-author – "Assignability of Commercial Contracts (FL)," by Jennifer G. Cooper, David Levin, and Spencer Leach, Thomson Reuters Practical Law (March 2018)
- Co-author – "General Contract Clauses: Litigation Costs and Expenses (FL)," by Jennifer G. Cooper and David Levin, Thomson Reuters Practical Law (February 2018)



Speaking Engagements

- "First Party Property Insurance - Is the Party Over?," Florida Law Con (March 2023)
- "Timeline of Mortgage Foreclosure Action in Florida and Best Practices," Florida Lawyer's Network (January 2018)



Webinars

- Ethics During the Time of Pandemic (December 2020)



Education

- University of Miami School of Law, J.D., 2006
- University of Michigan – Ann Arbor, B.A., 2003



Admissions

- Florida, 2006
- U.S. District Court for the Northern, Middle and Southern Districts of Florida
- U.S. Court of Appeals for the Eleventh Circuit