



David J. DePiano

Partner

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A seasoned commercial litigator, David has handled high-stakes product liability, class action and contract dispute matters for major clients including *Fortune* 50 manufacturers and construction companies, health insurance providers and construction subcontractors.

He represents clients in state and federal court, and provides strategic representation in arbitration.

Health care sector clients rely on David for his skill in resolving ERISA-related disputes and issues arising from fraudulent insurance claim submissions, in which he has represented national payers in the industry. In addition, he drafts agreements between major insurance plan administrators and insurers, as well as self-insured entities, providing terms of insurance administration services.

David also advises and defends subcontractors on a range of issues, including Chapter 558 construction defect claims, UCC and commercial disputes and employment issues. He has particular experience assisting clients in the Florida and South Florida markets, and understands the nuances of navigating municipal and local government ordinances.

Services

- Litigation
- Product Liability & Mass Torts
- Health Law
- ERISA Litigation
- Life, Health & Disability Litigation

Before Fox Rothschild

Prior to joining Fox Rothschild, David was a shareholder at a boutique transactional and litigation law firm in Florida. Before that he was a senior associate in the Fort Lauderdale and Miami offices of an international firm.

Beyond Fox Rothschild

David is a commercial pilot with instrument and multiengine ratings as well as an Advanced Open Water Diver.

Bar Admissions

- Florida

Education

- Nova Southeastern University, Shepard Broad College of Law (J.D., *cum laude*, 2008)
- University of Florida (B.A., *cum laude*, 2005)

Memberships

- Tico Torres Children Foundation (2014)

Board of Directors

- Pennies for Haiti (2012-2016)

Honors & Awards

- Named a South Florida "Mover and Shaker" by *South Florida Business Leader Magazine*.

Representative Matters

- Defended a major national health insurer in federal and state court concerning both ERISA and state-based claims made by providers as part of an effort to keep health care costs affordable, including during the pretrial, trial and post-trial stages of defense.
- Defended a manufacturer of elevator and HVAC systems in a variety of product liability commercial matters, with emphasis on UCC product issues and damages models.
- Defended a multinational heavy equipment manufacturer in commercial and UCC products liability matters, including day-to-day management of local counsel as team leader in out-of-state matters at both trial and appellate levels.
- Defended a major construction equipment manufacturer in litigation throughout the Southeast.
- Managed and coordinated client investigations, including development and implementation of pre- and post-suit legal holds to protect major insurers and manufacturers from claims of inadequate preservation and production efforts, as well as coordination to ensure consistency in discovery production and strategies across various matters throughout Florida and the Southeast.
- Defended against claims brought by large provider groups seeking seven-figures-plus in additional compensation to affirmative claims brought by health insurers to recoup payments improperly made to unscrupulous providers based on fraudulent claims submissions and practices.
- Work with local and state governments to facilitate construction and renovation work for commercial properties in Palm Beach, Broward and Miami-Dade counties.