



David A. Paige

Partner

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Related Practice Areas

Litigation & Dispute
Resolution

Professional Experience

David Paige's practice focuses on a broad spectrum of commercial litigation, including commercial contract disputes, insurance coverage/bad faith litigation for business policyholders, construction litigation and environmental tort defense. He has experience with a wide variety of commercial litigation and tort litigation matters before state and federal courts and juries, including personal injury, fraud, RICO, commercial and contract disputes, class actions and insurance matters. Mr. Paige has substantial briefing and oral argument experience before state and federal appellate courts and has tried 46 civil jury trials to verdict. His experience includes:

- Representation as lead litigation counsel of numerous business policyholders in complex environmental insurance coverage litigation resulting in multimillion dollar payments of insurance benefits and settlements, including:
 - Liability insurance litigation resulting in coverage benefits and settlements paid to an airport authority involved in toxic tort class actions and other tort lawsuits, and EPA mandated clean-up projects.
 - Liability insurance litigation resulting in settlements to a national manufacturing company with regard to its liabilities for environmental sites in more than twenty states.
 - Representation of a county government in environmental insurance coverage litigation resulting in the successful appeal of numerous insurance coverage rulings and payment of numerous coverage settlements.
 - First party property insurance litigation resulting in a settlement payment to a national mining company for property damage and business interruption coverage arising from the flooding of an open pit mine.
 - Representation as appellate counsel for the plaintiff-insured who successfully opposed the defendant-insurer's appeal from a trial court judgment which held the insurer jointly and severally liable for the insured's defense costs in underlying environmental actions, resulting in a post-appeal final judgment and payment by the insurer in excess of \$9 million.
- Successful defense of a major Southwest law firm in a legal malpractice matter related to an underlying accounting malpractice lawsuit.
- Representation of defendant, a national manufacturing company, in a federal district court jury trial against a leading commercial rental company,

resulting in a defense judgment with regard to plaintiff's \$5.6 million damages claim.

- Representation of a major commercial property developer/owner against a leading performance bond surety/insurance company in a series of lawsuits arising from the statewide default of an Arizona-based general contractor.
- Representation of the insured in various claims against its first party property insurer, its insurance broker and the third party responsible for the destruction by fire of the client's operations facility, resulting in aggregate recoveries in excess of \$4.5 million.
- Representation of surviving wife and children in an underinsured motorist insurance claim and insurance bad faith lawsuit against one of the largest U.S. insurance company groups, resulting in a multi-million dollar settlement to clients.
- Representation of a former corporate officer in a conversion, fraud and RICO lawsuit brought by former employer corporation, resulting in dismissal of lawsuit against client and payment to client of substantial settlement for compensation owed by former employer.

Reported Appellate Cases:

Insurance Law

- *Brown v. State Farm Mut. Auto Ins. Co.*, 163 Ariz. 323, 788 P.2d (1989).
- *Continental Ins. Co. v. Asarco, Inc.*, 153 Ariz. 497, 738 P.2d 368 (App. 1987).
- *Ormsbee v. Allstate Ins. Co.*, 176 Ariz. 109, 859 P.2d 732 (1993), *reconsideration denied*, 177 Ariz. 146, 865 P.2d 807.
- *Page v. Allstate Ins. Co.*, 126 Ariz. 258, 614 P.2d 339 (App. 1980), *review denied*.
- *Quiroga v. Allstate Ins. Co.*, 151 Ariz. 127, 726 P.2d 224 (App. 1986), *review denied*.
- *Tucson Airport Authority v. Certain Underwriters at Lloyd's, London, et. al.*, 186 Ariz. 45, 918 P.2d 1063 (App. 1996), *review denied*.

Commercial Litigation

- *Andrew S. Arena, Inc. v. Pima County*, 163 Ariz. 423, 288 P.2d 1174 (1990).
- *City of Tucson v. Clear Channel Outdoor*, 218 Ariz. 172, 181 P.3d 219 (App 2008).
- *Combs v. DuBois*, 135 Ariz. 465, 662 P.2d 140 (App. 1983), *review denied*.
- *DiVizio v. Kewin Enterprises*, 136 Ariz. 476, 666 P.2d 1085 (App. 1983), *review denied*.
- *Fogelman v. Peruvian Associates*, 127 Ariz. 504, 622 P.2d 63 (App. 1980), *review denied*.
- *Malisewski v. Singer*, 123 Ariz. 195, 598 P.2d 1014 (App. 1979).

Professional Liability/Attorney Ethics

- *CDT, Inc. v. Addison, Roberts & Ludwig*, 198 Ariz. 173, 7 P.3d 979 (App. 2000), *review denied*.
- *In re Giles*, 178 Ariz. 146, 871 P.2d 693 (1994).

Tort Litigation

- *Heartfield v. Transit Mgmt. Of Tucson*, 171 Ariz. 181, 829 P.2d 1227 (App. 1992), *review denied*.
- *Jones v. Manhart*, 120 Ariz. 338, 585, P.2d 1250 (App. 1978).

Education and Honors

- University of Arizona James E. Rogers College of Law (J.D., 1975)
Arizona Law Review (Arizona Note Editor, 1974-1975).
- Arizona State University (B.A., 1970)

Bar Admissions

Arizona, 1975

Court Admissions

U.S. Supreme Court, 1986

U.S. Court of Appeals, 9th Circuit, 1983

U.S. District Court, District of Arizona, 1976

Professional Recognition

- Martindale-Hubbell AV[®] Peer Review Rated.
- Listed in *The Best Lawyers in America*[®] (2005-present: Commercial Litigation).
- Selected for inclusion in the 2007, 2010, 2011 *Southwest Super Lawyers*[®] lists (Insurance Coverage).
- Selected for inclusion in the 2010 *Super Lawyers – Corporate Counsel Edition* (Insurance Coverage).

Professional and Civic Activities

Associate, American Board of Trial Advocates (ABOTA) (1981-present); Former President, Tucson Chapter of ABOTA; Commissioner, Disciplinary Commission of the Arizona Supreme Court (1982-1988); Member: American Bar Association; U.S.M.C. (1966-1968).

Adjunct Professor, Sandra Day O'Connor College of Law, Arizona State University (Insurance Law - Spring Semester 2007 and Spring Semester 2008; Jury Selection - Fall Semester 2011).

Board of Directors, State Bar of Arizona College of Trial Advocacy (2010-present); Faculty, College of Trial Advocacy

(July 2005, July 2007, August 2010 and August 2011).

Board of Directors, Law College Association, James E. Rogers College of Law, University of Arizona (2006-2010); Board of Directors, Alumni Association of the College of Liberal Arts and Sciences, Arizona State University (2003-2006); Board of Directors, Dean's Advancement Council, College of Liberal Arts and Sciences, Arizona State University (2004-2006).