



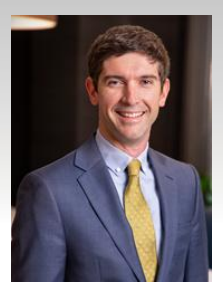
David King's practice area is civil litigation, with a focus on real property, land use, construction, and other complex business litigation, representing both plaintiffs and defendants. David tries cases before judges and juries in both state and federal court, and he has briefed, argued, and prevailed in connection with all varieties of contested motions, including motions for summary judgment and temporary injunction.

David served as a judicial clerk for Judge Fortunato P. Benavides on the U.S. Court of Appeals for the Fifth Circuit.

### **Representative Experience**

#### Real Property and Land Use

- Representation of landowners and developers in all aspects of real property and land use disputes, including contractual disputes, easement and property access issues, real estate fraud, landlord-tenant disputes, compliance with land use regulations, and a variety of other property-related issues and transactions.
- Representation of landowners in Travis County jury trial establishing easement rights and recovery of attorney fees.
- Representation of purchaser-developer of real property valued at over \$40 million in jury trial to establish right to purchase property.
- Obtained \$10+ million judgment against perpetrators of real estate fraud involving commercial property in Travis County.
- Represented and obtained favorable settlement for real estate investors claiming breach of fiduciary duty and fraud in connection with multiple properties in central Austin.
- Represented commercial landlord in downtown Austin seeking to evict tenant for lease violations; obtained judgment granting eviction and affirmed on appeal.



- Defended developer of condominium project in central Austin in lawsuit aimed at blocking project based on compliance with land development regulations; obtained summary judgment establishing development rights.
- Defended developer in dispute with homeowners association over ownership rights under declaration of covenants, conditions, and restrictions. Achieved summary judgment dismissal of claims against client.
- Represented developer of townhomes in central Austin in lawsuit against neighboring business seeking injunctive relief to halt noise violations interfering with the sale of townhomes. Obtained injunctive relief ordering noise abatement.
- Represented large group of homeowners asserting breach of fiduciary duty and fraudulent transfer claims against developer-declarant in connection with amendments to deed restrictions and transfer of land. Overcame motion for summary judgment, and homeowners obtained favorable settlement.
- Obtained permanent injunctive relief at trial for property owner challenging neighboring property owner's operation of business in unlawful and unsafe manner.
- Representation of commercial landlords with respect to various lease disputes, and execution of lock-out and other eviction proceedings.

#### Construction

- Representation of owners, developers, and builders in all aspects of construction-defect cases, with an emphasis on commercial projects, condominium towers, and high-end residential construction.
- Defended general contractor in jury trial over alleged construction defects in downtown Austin condominium and obtained favorable jury verdict.



- Assisted in representation of general contractor in \$56 million dispute over construction of wind energy project.
- Defended developer of townhomes in northwest Austin against construction defect claims, resulting in favorable settlement.
- Represented homebuyer in claim against seller for breach of contract arising from design and permitting issues. Obtained favorable settlement in which client received monetary compensation.

Business Litigation

- Representation of businesses and owners in complex commercial litigation, including contract disputes, company management issues, fiduciary duties, and a variety of other business disputes.
- Obtained multi-million dollar award in arbitration relating to compensation owed under legal services contract.
- In dispute between partners in aerospace company, obtained summary judgment for breach of fiduciary duty and breach of contract claims.
- Obtained summary judgment declaring non-compete agreement unenforceable in connection with dispute between insurance company and former employee.
- Defended general partner of limited partnership against breach of fiduciary duty claims challenging business decisions and investment of company assets.
- Defended out-of-state business challenging personal jurisdiction in Texas in connection with breach of contract claim. Reached settlement after filing motion to dismiss for lack of jurisdiction.
- Assisted in representing chemical manufacturer in multi-million dollar dispute with purchaser involving breach of contract and fraud claims arising from long-term supply agreement.



- Represented members of limited liability company involved in supplying water for oil-and-gas exploration in claims against managing members for breach of fiduciary duty and usurpation of company opportunity.
- Assisted in representing founder/CEO of Austin-based company on claims in federal court against multi-national conglomerate, its affiliates, and their officers for breach of fiduciary duty and fraud in connection with the use of client's proprietary technology.
- Proceeded to bench trial in which a favorable judgment was obtained for provider of government-contractor benefit plans in its lawsuit against competitor for unfair competition and copyright infringement.
- Defended waste-disposal company against claims of breach of contract and copyright infringement in connection with software licensing agreement.
- Defended website media company against claims of copyright infringement, resulting in favorable settlement.
- Assisted in defending advertising agency, auto manufacturer, and other defendants against claims of copyright infringement in connection with advertisement aired in Europe. Obtained dismissal of majority of defendants based on lack of personal jurisdiction.

#### Oil and Gas

- Represented mineral owner in fraud action to rescind sale of minerals located in Permian Basin valued at over \$5 million. Obtained favorable settlement, recovering minerals and monetary compensation.
- Defended mineral owners against trespass to try title action in Eagle Ford/Woodbine formation. Secured grant of summary judgment declaring ownership of minerals. Obtained settlement



for mineral owners claiming breach of lease, underpayment of royalties, property damage, and trespass by operator of oil and gas wells.

- Obtained summary judgment for cancellation of oil and gas leases based on lack of production.
- Represented mineral owner in trespass to try title action seeking title to minerals in Eagle Ford formation. Owner received title to minerals and recovery of attorney's fees through settlement.

### Professional/Community Involvement

Judicial Clerk for the Hon. Fortunato P. Benavides, U.S. Court of Appeals for the Fifth Circuit, 2012 - 2013

Austin Young Lawyers Association

- President, 2020
- Board of Directors, 2015 - 2022
- AYLA Outstanding Director Award, 2015 - 2016

Austin Bar Association Civil Litigation Section, Board Member, 2024 - present

Lloyd Lochridge American Inn of Court, 2018 - present

State Bar of Texas, Litigation Section

American Bar Association

Mainspring Schools, Board of Directors, 2015 - 2021

Volunteer Legal Services of Central Texas, Volunteer

### Publications and Presentations

Zoom Court Proceedings Panel, Moderator, Austin Young Lawyers Association and University of Texas Law School Board of Advocates (2020)

Landlord-Tenant Issues and Covid-19 CLE, Panelist, Austin Bar Association (2020)



Practice Local, Moderator, Bench Bar Conference (2019)

Interregional Coordination of Electric Transmission and Its Impact on Texas Wind, 8 Tex. J. Oil Gas & Energy L. 309 (2013)

Formalizing Local Constitutional Standards of Review, 97 Va. L. Rev. 1685 (2011)

### Bar

Texas – 2012

U.S. Court of Appeals for the Fifth Circuit

U.S. District Courts for the Eastern, Western, Northern, and Southern Districts of Texas

### Education

University of Virginia School of Law – 2012 – J.D.; Order of the Coif Articles Editor, Virginia Law Review

The University of Texas at Austin – 2006 – B.A., with highest honors

### Awards and Honors

Texas Super Lawyer, *Super Lawyers* by Thomson Reuters, 2024, 2025

Texas Rising Star, *Super Lawyers* by Thomson Reuters, 2020, 2021, and 2022

Texas Bar Foundation, Fellow