



David L. Lester

PARTNER

CONTACT INFORMATION

Cleveland Office

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PRACTICES / INDUSTRIES

Litigation

Insurance Coverage

AREAS OF CONCENTRATION

Insurance Coverage
Appellate Practice

EDUCATION

The Colorado College (B.A., 1980)
Case Western Reserve University
(J.D., 1983) Associate Editor, Law
Review

AT A GLANCE

David focuses his practice on insurance coverage litigation. He has experience in a wide variety of coverage matters involving many kinds of policies and endorsements. He prosecutes and defends declaratory judgment actions concerning coverage. David also concentrates in appellate work, having argued appeals in the Ohio Supreme Court, the U.S. Court of Appeals for the Sixth Circuit and many appellate courts throughout Ohio.

REPRESENTATIVE EXPERIENCE

Extensive experience analyzing coverage issues and advising insurers as to coverage and claim-handling strategies under commercial and personal lines policies.

Prosecutes and defends declaratory judgment actions concerning coverage.

Prosecutes and defends appeals in insurance and commercial cases.

HONORS & DISTINCTIONS

AV Rated - Martindale-Hubbell
Named to *The Best Lawyers in America*®, Insurance Law, Woodward/White (2008-2012)
Named an "Ohio Super Lawyer" in a survey of Ohio lawyers by *Law & Politics* magazine (2010-2011)

PUBLICATIONS & PRESENTATIONS

Presentations

"Insurance Coverage for Intentional Conduct," Insurance Law Seminar, Cleveland-Marshall Law Alumni Association (April 2005)

"Recent Developments in Insurance," Hot Liability Topics for Financial Service Providers (March 2005)

David L. Lester

PROFESSIONAL AFFILIATIONS

OSBA Insurance Coverage Law (*Specialty Board Member 2010-2012*)
Ohio State Bar Association
Ohio Association of Civil Trial Attorneys
Cleveland Metropolitan Bar Association
Cleveland Association of Civil Trial Attorneys
Defense Research Institute

ADMISSIONS

State of Ohio
State of California
U.S. Court of Appeals, Sixth Circuit
U.S. Court of Appeals, Tenth Circuit
U.S. District Court, Northern District of Ohio
U.S. District Court, Southern District of Ohio

REPORTED CASES

Whitt Machine, Inc. v. Essex Ins. Co., 2010 U.S. App. LEXIS 9945 (6th Cir. 2010)
Jacques v. Manton, 2010-Ohio-1838
Mosser Constr. V. Travelers Indem. Co., 665 F. Supp. 2d 875 (N.D. Ohio 2009)
Chic Promotions, Inc. v. Jewelers Mut. Ins. Co., 2009 U.S. Dist. LEXIS 87930 (S.D. Ohio 2009)
Doe v. Pentz, 2009 U.S. Dist. LEXIS 50693 (S.D. Ohio 2009)
Great Lakes Prop. Mgt. v. American Family Mut. Ins. Co., 2009-Ohio-2041 (8th Dist.)
City of Eastlake v. St. Paul Fire & Marine Ins. Co., 2008 U.S. Dist. LEXIS 4345 (N.D. Ohio 2008)
State Farm Fire and Cas. Co. v. Harpster, 2008-Ohio-3357 (8th Dist.)
Allstate Ins. Co. v. Collister, 2007-Ohio-5201 (11th Dist.)
Dayton Power & Light Co. v. Enerfab, Inc., 2007-Ohio-432 (2d Dist.)
Mt. Hawley Ins. Co. v. Packers Sanitation Serv., 2007 U.S. Dist. LEXIS 47382 (N.D. Ohio 2007)
Zigler v. Allstate Ins. Co., 2007 U.S. Dist. LEXIS 26117 (N.D. Ohio 2007)
Dayton Power & Light Co. v. Enerfab, 2007 Ohio 2904, 2007 Ohio App. LEXIS 1516

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REPORTED CASES (Continued)

Robinson v. Bates, 112 Ohio St.3d 17, 857 N.E.2d 1195 (2006)

Siemientkowski v. State Auto Mut. Ins. Co., 2006 Ohio 4122, 2006 Ohio App. LEXIS 4072 (8th Dist.)

Burrell Indus. v. Liberty Mut. Fire Ins. Co., 177 Fed. Appx. 468, 2006 U.S. App. LEXIS 9591 (6th Cir. 2006)

State Farm Fire & Cas. Co. v. Wilson, 153 Fed. Appx. 952, 2005 U.S. App. LEXIS 21830 (6th Cir. 2005)

Lubrizol Corp. v. Michael Lichtenberg & Sons Constr., Inc., 2005 Ohio 7050, 2005 Ohio App. LEXIS 6335 (11th District)

Hixson v. Callentine, 107 Ohio St.3d 1208, 2005 Ohio 6508, 839 N.E.2d 28 (2005)

Jokic v. State Auto. Mut. Ins. Co., 2005 Ohio 7044, 2005 Ohio App. LEXIS 6359 (11th Dist.)

State Farm Fire & Cas. Co. v. Lavienna, 2005 Ohio 6601, 2005 Ohio App. LEXIS 5930 (7th Dist.)

Siemientkowski v. State Farm Ins. Co., 2005 Ohio 4295, 2005 Ohio App. LEXIS 3908 (8th Dist.)

Earls v. State Auto Mut. Ins. Co., 2004 WL 2244442, 2004-Ohio-5168 (Ohio App. 9 Dist.)

Sharonville v. Am. Emp. Ins. Co., 158 Ohio App.3d 576, 818 N.E.2d 295 (1st Dist. 2004)

Bailey v. Bevilacqua, 158 Ohio App.3d 382, 815 N.E.2d 1136, 2004-Ohio-4392 (11th Dist. 2004)

Calich v. Allstate Ins. Co., 2004 WL 626143, 2004-Ohio-1619 (Ohio App. 9th Dist.)

Christen v. Hartford, 2004 WL 63976, 2004-Ohio-143 (Ohio App. 8th Dist.)

GenCorp. Inc. v. AIU Ins. Co., 304 F.Supp.2d 955 (N.D. Ohio 2004)

Shirley v. Republic-Franklin Ins. Co., 2003 WL 22966864, 2003-Ohio-6867 (Ohio App. 5th Dist.)

Nevergall v. Indemnity Ins. Co., 2003 WL 22838735, 2003-Ohio-6400 (Ohio App. 3^d Dist.)

Wayne Mut. Ins. Co. v. Allstate Property and Cas. Co., 2003 WL 22764534, 2003-Ohio-6251 (Ohio App. 2^d Dist.)

State Farm Fire and Cas. Co. v. Totarella, 2003 WL 22236027, 2003-Ohio-5229 (Ohio App. 11th Dist.)

Ponser v. St. Paul Fire & Marine Ins. Co., 2003 WL 21962548, 2003-Ohio-4377 (Ohio App. 5th Dist.)

Reese v. Hartford Fire Ins. Co., 2003 WL 21936392, 2003-Ohio-4269 (Ohio App. 9th Dist.)

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REPORTED CASES (Continued)

Shirley v. Republic-Franklin Ins. Co., 2003 WL 21743485, 2003-Ohio-4026 (Ohio App. 5th Dist.)

Huzyak v. Nationwide Ins. Co., 2003 WL 21751938, 2003-Ohio-4044 (Ohio App. 5th Dist.)

Armbruster v. CGU Ins., 2003 WL 21570099, 2003-Ohio-3683 (Ohio App. 6th Dist.)

GenCorp. Inc. v. AIU Ins. Co., 297 F.Supp.2d 995 (N.D. Ohio 2003)

Tate v. State Farm Fire & Cas. Co., 184 F.Supp.2d 713 (S.D. Ohio 2002)

Johnson v. Fireman's Fund Ins. Co., 2002 U.S. Dist. LEXIS 13762 (N.D. Ohio 2002)

Reichardt v. National Surety Corp., 2002 WL 31175537, 2002-Ohio-5143 (Ohio App. 12th Dist.)

Goodyear Tire & Rubber Co. v. Aetna Cas. & Sur. Co., 95 Ohio St.3d 512, 769 N.E.2d 835, 2002-Ohio-2842

Zurcher v. National Sur. Corp., 2002 WL 287651, 2002-Ohio-901 (Ohio App. 5th Dist.)

Rudy v. Erie Ins. Exchange, 2002 WL 54692, 2002-Ohio-260 (Ohio App. 5th Dist.)

Davis v. State Farm Fire and Cas. Co., 2001 WL 1607089, 2001-Ohio-8884 (Ohio App. 10th Dist.)

Green v. Cincinnati Ins. Co., 2001 WL 1556216 (Ohio App. 6th Dist.)

Landmark Ins. Co. v. Cincinnati Ins. Co., 2001 WL 1216986, 2001-Ohio-4311 (Ohio App. 11th Dist.)

Nethery v. State Farm Ins. Cos., 146 Ohio App.3d 282, 765 N.E.2d 967 (8th Dist. 2001)

Pfeiffer v. Sahler, 2001 WL 1110330 (Ohio App. 8th Dist. 2001)

German v. Wray, 2001 WL 930178 (Ohio App. 5th Dist. 2001)

Sabbato v. Hardy, 2001 WL 842021 (Ohio App. 5th Dist. 2001)

State Farm Fire & Cas. Co. v. Barker, 143 Ohio App.3d 407, 758 N.E.2d 228 (2d Dist. 2001)

The Corinthian v. Hartford Fire Ins. Co., 143 Ohio App.3d 392, 758 N.E.2d 218 (8th Dist. 2001)

Goodyear Tire & Rubber Co. v. Aetna Cas. & Sur. Co., 2001 WL 57170 (Ohio App. 9 Dist.)

Geraci v. Conte, 2000 WL 1739294 (Ohio App. 8th Dist.)

Mentor Chiropractic Ctr., Inc. v. State Farm Fire & Cas. Co., 139 Ohio App.3d 407, 744 N.E.2d 207 (11th Dist. 2000)

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REPORTED CASES (Continued)

State Farm & Cas. Co. v. Boyson, 2000 WL 897361 (Ohio App. 8th Dist.)

Schmidlin v. D & V Enterprises, 2000 WL 709039 (Ohio App. 8th Dist.)

Baker v. State Farm Ins. Co., 2000 WL 699646 (Ohio App. 5th Dist.)

State Farm Fire and Cas. Co. v. Straw, 2000 WL 141077 (Ohio App. 9th Dist.)

GenCorp. Inc. v. AIU Ins. Co., 104 F.Supp.2d 740 (N.D. Ohio 2000)

German v. Wray, 1999 WL 770733 (Ohio App. 5th Dist.)

Northland Ins. Co. v. Merchants and Business Men's Mut. Ins. Co., 1999 WL 333311 (Ohio App. 5th Dist.)

State Farm Fire & Cas. Co. v. Eiden, 1999 U.S. App. LEXIS 25183 (6th Cir. 1999)

Snodgrass v. MGA Ins. Co., Inc., 1998 WL 670714 (Ohio App. 7th Dist.)

Aetna Cas. & Sur. Co. v. Cigany, 1998 WL 655495 (Ohio App. 8th Dist.)

Goodyear Tire & Rubber Co. v. Aetna Cas. and Surety Co., 1995 WL 422733 (Ohio App. 9th Dist.)

Lumbermens Mut. Cas. Co. v. S-W Industries, Inc., 39 F.3d 1324, 1994 Fed.App. 0360A (6th Cir. 1994)

Lumbermens Mut. Cas. Co. v. S-W Industries, Inc., 23 F.3d 970, 1994 Fed.App. 0112A (6th Cir.1994)

Truck Ins. Exchange v. Transcontinental Ins. Co., 1993 WL 317517 (Ohio App. 8th Dist.)

Natl. Union Fire Ins. Co. of Pittsburgh, Pa. v. Shane & Shane Co., L.P.A., 78 Ohio App.3d 765, 605 N.E.2d 1325 (8th Dist. 1992)

Park-Ohio Industries, Inc. v. Home Indem. Co., 975 F.2d 1215 (6th Cir.1992)

American Centennial Ins. Co. v. National Cas. Co., 951 F.2d 107 (6th Cir. 1991)

Bader v. Therm-O-Disc, Inc., 1990 WL 139828 (Ohio App. 5th Dist.)

Kennedy v. Helicopter Minit-Men, Inc., 1990 WL 70996 (Ohio App. 10th Dist.)

Avemco v. Eaves, 67 Ohio App.3d 563, 587 N.E.2d 900 (Ohio App. 4th Dist. 1990)

Chapman v. Cleveland Ladder Co., 1989 WL 139475 (Ohio App. 8th Dist.)

Salmans v. GTE MTO, Inc., 1988 WL 70514 (Ohio App. 5th Dist.)



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REPORTED CASES (Continued)

Starr v. John Hancock Property & Cas. Ins. Co., 1987 WL 6956 (Ohio App. 7th Dist.)

Harry Rock & Co. v. Louis Hoffman & Sons Metal Co., 1986 WL 3703 (Ohio App. 8th Dist.)

Michael Shore & Co. v. Greenwald, 1985 WL 17713 (Ohio App. 8th Dist.)