

GORDON DAVID BARNETT

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David Barnett became “of counsel” to Strong Pipkin in 2013. He has over twenty years of experience practicing law. He is licensed in Texas and Louisiana. His areas of practice include general civil litigation, personal injury, products liability, toxic torts, insurance coverage, premises liability and commercial litigation. He earned his Juris Doctorate from Southern Methodist University School of Law in 1994.

Primary Practice Areas:

Personal Injury Cases

- Defended paving contractor against claims of vicarious liability for negligence of independent contractor truck driver.
- Defended truck driver and employer against claims for mild traumatic brain injury alleged to have resulted from trucking accident.
- Defended museum foundation from claims of mild traumatic brain injury alleged to have been sustained by volunteer actor in war reenactment program.
- Defended construction contractor in multiple fatality motor vehicle accident in Atlanta, Texas, involving the deaths of three teenagers and injury to a fourth. Plaintiffs alleged negligent design of ingress and egress from convenience store parking lot onto major highway. Case filed in Brazos County, Texas, but venue changed to Cass County, Texas.
 - Related mandamus proceeding in *In re Seven-O Corporation*, 289 S.W.3d 384 (Tex. App. – Waco 2009, original proceeding) involving the disqualification of attorney who was representing both the plaintiffs and third party defendants at the same time. Related original mandamus proceeding also filed and denied in Texas Supreme Court.
 - Related venue appeal in Waco Court of Appeals.
- Represented surviving minor child in oilfield electrocution wrongful death case in Rusk County, Texas, together with related Freedom of Information Act lawsuit in Eastern District of Texas to secure incriminating statements from OSHA investigation.

Commercial / Insurance Litigation

- Represented insurer in complex arson investigation claim.
- Represented major insurer in complex coverage claim, including appeal to U.S. Court of Appeals for the Fifth Circuit.
- Defended claim of damage to chemical company pipeline alleged to have been damaged by construction equipment left in area.
- Defended air conditioning contractors in multiple construction defect cases.
- Defended air conditioning company in consumer litigation.
- Defense verdict in Hurricane Ike claim against insurance carrier in Orange County, Texas.
- Defense of insurer in Hurricane Rita insurance case in which insured manufactured receipts for additional living expenses, and submitted to insurance carrier for reimbursement. Case dismissed after remand from reversal of summary judgment. **See *Temcharoen v. United Fire Loyds*, 293 S.W.3d 332 (Tex. App. – Eastland 2009, pet. denied).**
- Representation in Angelina County, Texas, of cooperative association of blueberry farmers against refrigeration facility for negligence in failing to blast freeze blueberry products according to contract.
- Representation of commercial borrower in complex lender liability case in U.S. District Court in Beaumont, Texas, which featured complex electronic discovery issues, leading to sanctions against commercial lender for withholding and erasing incrimination e-mails from hard drives of

computers.

- Representation of general contractor in case filed by plumbing sub-contractor who was injured by collapse of 12 foot deep excavation.
- Representation of lake resort property in Orange County, Texas, in wrongful death drowning of nine year old child.
- Defended numerous complex motor vehicle, industrial and construction accident cases.

Products Liability

- Successfully recovery for injured survivor in complex helicopter design defect case in Nueces County, Texas, involving helicopter crash in the Gulf of Mexico.

Premises Liability

- Defense verdict in suit against lake resort in Jasper County, Texas by guest who step onto allegedly rotten wooden steps on golf course, which gave way, causing guest to fall.
- Represented property owner in Nacogdoches, Texas in premises claims brought by cleaning contractor of office building who slipped in water near dumpster area.
- Represented property owner in Jefferson County, Texas in premises claim brought by elderly patient of ophthalmologist office who allegedly fell due to minor imperfection in sidewalk joint.
- Successful recovery in premises case for off duty employee who fell on freshly mopped area of floor by employee bulletin board.
- Successful defense of convenience store owner and clerk in case where plaintiff/perpetrator was shot as she absconded with cash from register.

Toxic Torts

- Prior experience in handling and defending silicosis and scleroderma claims.

Appeals

- **MANDAMUS – DISCOVERY OF CELL PHONE/SOCIAL MEDIA**
In re Indeco Sales, Inc, 2014 Tex. App. LEXIS 11859 (Tex. App. – Beaumont 2014, no pet.) – Mandamus involving discovery of cell phone data and social medial postings
- **SUMMARY JUDGMENT – FAILURE TO CONFORM TO PLEADINGS**
Maswoswe v. Nelson, 327 S.W.3d 889 (Tex. App.—Beaumont 2010, no pet.) - Successful reversal of \$4 million dollar summary judgment for failure to conform to pleadings.
- **INSURANCE CLAIM/ ANTI-TECHNICALITY STATUTE**
Temcharoen v. United Fire Lloyds, 293 S.W.3d 332 (Tex. App. – Eastland 2009, pet. denied) -- Hurricane Rita insurance claim involving the application of the anti-technicality statute to void a policy when an insured manufactured receipts seeking re-imbursement of additional living expenses.
- **ATTORNEY DISQUALIFICATION**
In re Seven-O Corporation , 289 S.W.3d 384 (Tex. App. – Waco 2009, original proceeding) – Mandamus proceeding to disqualify an attorney who was representing both the plaintiffs and third party defendants in the same case. Note: Supreme Court of Texas denied a related mandamus filed by the opposing parties. Mandamus by plaintiffs to Supreme Court denied after full briefs on the merits. *In re DeMott*, No. 09-900 (August 20, 2010).
- **HURRICANE INSURANCE CLAIM / ATTORNEY’S FEES**
Ware v. United Fire Lloyds, No. 09-12-00061-CV, 2013 Tex. App. LEXIS 5730 (Tex. App.—Beaumont 2013, no pet.) – Successful defense of an appeal regarding the award of attorney’s fees.
- **CONSUMER COMPLAINT / STATUTE OF LIMITATIONS**
Book v. American Air Systems, Inc. 09-15-00538-CV; (December 30, 2015) – Successfully defended appeal on issue of statute of limitations in a construction defect case.
- **INSURANCE COVERAGE**
Colony Nat’l Ins. Co. v. United Fire & Cas. Co., No. 5:14CV10-JRG-CMC, 2016 U.S. Dist. LEXIS 43437 (E.D. Tex. 2016) – Coverage dispute involving duty to defend an additional insured in construction related personal injury case.
- **SUMMARY JUDGMENT – ABSENCE OF CONTROL IN COMMERCIAL TRUCKING CASE**
Elvir v. Brazos Paving, Inc., No. 13-16-00546-CV, 2017 Tex. App. LEXIS 8348, (Tex. App.—Corpus Christi Aug. 31, 2017)) – Successfully defended summary judgment on issue of general contractor’s lack of control of subcontracting truck driver in significant personal injury case.

Education

- Lamar University, BS Political Science, 1990
- Southern Methodist University School of Law, JD 1994

Court Admissions and Affiliations

- State Bar of Texas
- State Bar of Louisiana
- United States District Court for Eastern and Southern Districts of Texas