

PRACTICE AREAS

- Class Actions & Multi-District
- Construction
- Environmental Litigation & Toxic Torts
- Internal Investigations & Criminal Defense
- Litigation
- Real Estate Litigation
- Unfair Trade & Antitrust

EDUCATION

- B.A., University of North Carolina at Chapel Hill, 1979, Phi Beta Kappa
- J.D., University of North Carolina at Chapel Hill, 1982

BAR & COURT ADMISSIONS

- North Carolina, 1982
- Western, Middle and Eastern District Federal Courts for the State of North Carolina

OTHER AREAS OF LAW

- Administrative litigation
- Medical malpractice defense actions
- Title insurance claims

DAVID E. FOX



MEMBER

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RESEARCH TRIANGLE

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David Fox has devoted his 25-year legal career to managing complex litigation cases at Moore & Van Allen.

- He has tried complicated multi-week jury trials in both the State and Federal Courts of North Carolina. Those include the defense of a mass tort action involving over 170 plaintiffs.
- He has also represented parties in complex arbitration proceedings, including a five-week hearing which resolved mass tort claims for injuries claimed as a result of exposure to contaminated groundwater and related class action property claims brought on behalf of property owners in an area of several square miles.
- He has tried adversary proceedings in Federal Bankruptcy Court and administrative cases under the North Carolina Administrative Procedures Act.
- He has also defended commercial parties in defense of products liability cases.
- He has argued appeals before the Fourth Circuit Court of Appeals, the North Carolina Court of Appeals and the North Carolina Supreme Court.
- He has examined and cross-examined expert witnesses in trials and arbitration proceeding on a variety of disciplines, including toxicology, fate and transport of contaminants in the environment, groundwater flow, groundwater modeling and property valuation.
- He has represented contractors and sureties in the negotiation of contracts and settlements, including in regard to surety takeovers of defaulted construction projects.
- He is admitted in and has handled cases in the Western, Middle and Eastern District Federal Courts for the State of North Carolina.
- He defended multiple litigation challenges filed against the contractor hired to site, design, build and operate a low-level radioactive waste facility in North Carolina. He also handled various permitting and related litigation challenges brought as obstacles to the construction of a large industrial facility in eastern North Carolina.

Mr. Fox's practice includes:

- Commercial and business litigation, including business torts, covenants not to compete, contract disputes, trade secret and intellectual property matters.

CONTINUED

DAVID E. FOX

- Environmental litigation, including facility siting litigation, toxic torts and property damage actions related to the release of hazardous and other substances.
- Construction and surety litigation, including disputes between owners, contractors and sureties, as well as disputes between owners, contractors and design professionals.
- Medical malpractice defense actions.
- Title insurance claims.

OF NOTE

- Listed, *Law & Politics'* North Carolina Super Lawyer (General Litigation, Environmental Litigation, Construction Litigation), 2006-2008
- Listed, *Business North Carolina* magazine's Legal Elite (Environmental, Litigation), 2007-2008
- Listed, Best Lawyers in America (Commercial Litigation and Construction Law), 2007
- Frequent lecturer, Continuing Legal Education on subjects ranging from construction and suretyship to the defense of environmental litigation

PROFESSIONAL AFFILIATIONS

- American Bar Association: Litigation Section; Natural Resources Section; Environmental Energy Law Section
- North Carolina Bar Association: Litigation Section; Construction Section; Environmental and Natural Resources Law Section
- American Bar Association: Forum on the Construction Industry