

## DAVID E. FOX

*Of Counsel, Litigation*

t 919.286.8069

davidfox@mvalaw.com



David Fox has devoted his more than 30 year legal career to managing complex litigation cases at Moore & Van Allen.

---

### Representative Experience

- 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

### Capabilities

Civil Litigation

### Education

B.A., University of North Carolina at Chapel Hill, 1979, Phi Beta Kappa

J.D., University of North Carolina at Chapel Hill, 1982

### 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

---

- 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

Fox's practice includes:

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

## Notable

- *Best Lawyers in America*, Raleigh Litigation - Environmental "Lawyer of the Year," 2013, 2019; Charlotte Litigation - Construction "Lawyer of the Year," 2020
- *Best Lawyers in America*, Commercial Litigation, 2007-2022; Bet-the-Company Litigation, 2007-2022; Construction Law, 2007-2022; Litigation - Construction, 2007-2022; Litigation - Environmental, 2007-2022
- *North Carolina Super Lawyers*, General Litigation, Environmental Litigation, and Construction Litigation, 2006-2019, 2021
- *North Carolina Super Lawyers*, TOP 100, 2009-2011
- *Business North Carolina*, Legal Elite list, 2006-2011, 2013-2016, 2019, 2020
- Martindale-Hubbell, North Carolina Top Rated Lawyer
- Fellow, Litigation Counsel of America
- Fellow, American Bar Foundation

## 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