



**GRAVES
DOUGHERTY
HEARON &
MOODY**



DAVID A. KING

Shareholder

**CIVIL LITIGATION, CONSTRUCTION LAW,
OIL & GAS, REAL ESTATE**

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ABOUT

David's practice focuses on general civil litigation, representing both plaintiffs and defendants in a variety of areas, including real estate, construction, intellectual property, oil and gas, and other complex business litigation. David has tried cases in both state and federal court, and he has briefed, argued, and prevailed in connection with numerous contested motions, including motions for summary judgment and temporary injunction.

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

PROFESSIONAL QUALIFICATIONS

- Bar Associations, Admitted: 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 (J.D., Order of the Coif, 2012) (Articles Editor, Virginia Law Review); University of Texas at Austin (B.A., with Highest Honors, 2006).
- Experience: Judicial Clerk for the Hon. Fortunato P. Benavides, U.S. Court of Appeals for the Fifth Circuit; 2012-2013.

REPRESENTATIVE EXPERIENCE

REAL ESTATE AND CONSTRUCTION

- Defended developer in dispute with homeowners association over ownership rights under declaration of covenants, conditions, and restrictions. GDHM achieved summary judgment dismissal of claims against client.
- Assisted in representation of general contractor in \$56 million dispute over construction of wind energy project.
- 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. GDHM 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. GDHM 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.
- 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. GDHM obtained favorable settlement in which client received monetary compensation.
- Representation of building restoration company in claims against customers for breach of contract, fraud, and other causes of action in connection with payment disputes.
- Representation of commercial landlords with respect to various lease disputes, and execution of lock-out and other eviction proceedings.

BUSINESS LITIGATION

- 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.

OIL AND GAS

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

INTELLECTUAL PROPERTY

- Second chaired bench trial in which GDHM obtained favorable judgment 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. GDHM obtained dismissal of majority of defendants based on lack of personal jurisdiction.

PROFESSIONAL AFFILIATIONS

- Austin Young Lawyers Association
 - President, 2020
 - Board of Directors, 2015-present
 - AYLA Outstanding Director Award, 2015-2016
- Austin Bar Association
 - Bench Bar Committee, Member
 - Communications Committee, Member
- Lloyd Lochridge American Inn of Court, 2018 – present
- State Bar of Texas, Litigation Section
- American Bar Association

AWARDS AND HONORS

- *Texas Monthly*, Super Lawyers® Rising Star, published by Thomson Reuters, 2020

COMMUNITY

- Mainspring Schools, Board of Directors, 2015 – present
- 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).