



David Coale, PARTNER

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Widely recognized as one of the top appellate lawyers in Texas, David Coale's diverse experience ranges from sophisticated constitutional issues in the United States Supreme Court to defense of a payphone operator before a Tarrant County Justice of the Peace. He is among the few lawyers to have handled a matter in all fourteen of the Texas intermediate courts of appeal, and is the only known Texas appellate lawyer who has been fictionalized in a romance-novel series as the lawyer for an outlaw motorcycle gang.

A frequent commentator on legal issues, David publishes 600camp.com, a popular blog about business cases in the U.S. Court of Appeals for the Fifth Circuit, and 600commerce.com, a similar blog about the Dallas Court of Appeals and Texas Supreme Court. His recent articles have appeared in [Slate](https://slate.com), [Salon](https://salon.com), the [Times of Israel](https://www.timesofisrael.com), and the [Cornell Law Review Online](https://www.cornelllawreview.com).

REPRESENTATIVE MATTERS

- Obtained affirmance of a substantial judgment for a landlord in a dispute alleging "force majeure" arising from COVID shutdown orders. *BB Fit, LP v. EREP Preston Trail II, LLC*, 2023 WL 7401501 (Tex. App.—Dallas Nov. 9, 2023, no pet. h.).
- Obtained reinstatement of a dismissed case about a contract to sell a house originally built by Roger Staubach. *Aflalo v. Harris*, 2023 WL 2522206 (Tex. App.—Dallas March 15, 2023, pet. denied)
- Obtained affirmance of a defense judgment in a multi-million-dollar contract claim about processing payments in the federal food stamp program; tort claims continue. *Wal-Mart Stores, Inc. v. Xerox State & Local Solutions, Inc.*, 663 S.W.3d 569 (Tex. 2023)
- Obtained affirmance of dismissal of claims against an out-of-state attorney for lack of personal jurisdiction. *Hinduja Global Solution, Inc. v. Ganjaei*, 2023 WL 179898 (Tex. App.—Dallas Jan. 13, 2023, pet. denied)
- Obtained complete reversal of a \$1 million-plus judgment, entered after a jury trial, about an allegedly wrongful commercial eviction. *Virtuolotry v. Westwood Motorcars*, 2022 WL 1769232 (Tex. App.—Dallas June 1, 2022, pet. filed).
- Obtained reinstatement of a dismissed case involving several thousand pilots' losses from the grounding of the 737 MAX. *SWAPA v. Boeing*, 2022 WL 951027 (Tex. App.—Dallas March 30, 2022, pet. filed).
- Obtained complete reversal of a \$1 million-plus judgment in a landlord-tenant dispute. *AMLI Downtown Austin, L.P. v. Peli Peli Austin, LLC*, 2022 WL 722762 (Tex. App.—Austin March 11, 2022, pet. denied).
- Successfully defended the denial of a TCPA motion to dismiss in a high-profile business defamation case. *Marble Ridge Capital LP v. Neiman Marcus Group, Inc.*, 611 S.W.3d 113 (Tex. App.—Dallas 2020, pet. dismissed).
- Obtained affirmance of a take-nothing judgment in a multi-million dollar dispute about the development of an "energy tea" product line. *Jacked Up, LLC v. Sara Lee Corp.*, 807 Fed. Appx. 344 (5th Cir. 2020).
- Successfully argued for dismissal, on personal jurisdiction grounds, of a bellwether case about federal securities claims in state court. *Venator Materials PLC v. Macomb County Employees' Retirement System*, 2020 WL 289296 (Tex. App.—Dallas Jan. 21, 2020, no pet.).
- Obtained reversal of a "bet the business" case for a short-line railroad in the Texas Panhandle. *BNSF Railway v. Panhandle Northern R.R.*, 946 F.3d 705 (5th Cir. 2020)
- Obtained substantial affirmance of a multi-million dollar judgment in an oil-and-gas case, *Stephens v. Three Finger Black Shale P'ship*, 580 S.W.3d 687 (Tex. App.—Eastland 2018, pet. denied).

REPRESENTATIVE MATTERS

- Obtained reversal of a summary judgment in a major tire-failure case. *Medina v. Michelin*, 2018 WL 580263 (Tex. App.—Dallas Jan. 29, 2018, no pet.); recognized as "Appellate Lawyer of the Week" by *Texas Lawyer* for this win
- Appellate counsel for the team that won a \$135 million judgment in *Mesa Petroleum Partners v. Baytech LLP et al.*, (Reeves County, Dec. 8, 2017)
- Appellate counsel for Energy Transfer Partners in its \$550 million dispute with Enterprise Products Partners.

HONORS & AWARDS

- Awarded "Litigation Star" by *Benchmark Litigation*, 2021-2024
- Recognized as "Best Lawyers" (Appellate and Commercial Litigation) by *D Magazine* in 2008-2011, 2014-2024
- Named as one of "500 Leading Litigators in America," by *Lawdragon*, 2022, 2024
- Named "Best Lawyers in America" (Appellate and Commercial Litigation) by *Best Lawyers*, 2012-2024
- Selected as a "Texas Super Lawyer," by *Super Lawyers*, 2003-2023
- Selected on the "Top 100 in DFW" list by *Super Lawyers*, 2014-2019, 2023
- Selected on the "Top 100 in Texas" list by *Super Lawyers*, 2015, 2017, 2019
- Named "Leading Appellate Attorney of the Year in Texas" by *Acquisition International*, 2022
- Honored as a "Leader in His Field" by *Chambers & Partners USA Guide to Leading Lawyers* – Appellate Litigation (Texas) Lawyers, 2022
- Named "Lawyer of the Year" in DFW Appellate Law by *Best Lawyers*, 2021
- Received the "Legal Innovator" award by *Texas Lawyer*, 2020
- Senior Fellow, Litigation Council of America, 2020-2024
- Received the "Texas Trailblazers" award by *Texas Lawyer*, 2019
- Profiled as a "Defender," one of 15 leading defense lawyers, by the *Dallas Business Journal*, 2009

JUDICIAL CLERKSHIPS

- Law Clerk, Hon. Patrick Higginbotham, U.S. Court of Appeals for the Fifth Circuit

EDUCATION

- University of Texas School of Law, J.D., *with honors*, 1993
 - Chief Articles Editor, *Texas Law Review*
 - Order of the Coif
- Harvard University, B.A., *cum laude*, 1990
 - National Policy Debate Champion, 1990