

## DAVID J. FAGNILLI

SENIOR COUNSEL



### AREAS OF PRACTICE

Product Liability  
Property Litigation  
Insurance Services – Coverage & Bad Faith  
Litigation  
General Liability  
Construction Injury Litigation  
Automobile Liability  
Trucking & Transportation Liability  
Environmental & Toxic Tort Litigation  
Asbestos & Mass Tort Litigation  
Insurance Agents & Brokers Liability  
Premises & Retail Liability  
Rideshare Liability  
Catastrophic Claims Litigation

### CONTACT INFO

(216) 912-3792  
DJFagnilli@mdwccg.com

127 Public Square  
Suite 3510  
Cleveland, OH 44114

### ADMISSIONS

Ohio  
1986

U.S. District Court Northern District  
of Ohio

U.S. District Court Southern  
District of Ohio

U.S. Court of Appeals 6th Circuit

U.S. Supreme Court

### EDUCATION

Cleveland State University College  
of Law (J.D., 1986)

Vanguard University of Southern  
California (B.A., 1980)

### HONORS & AWARDS

AV® Preeminent™ by Martindale-  
Hubbell®

The Best Lawyers in America®,  
Insurance Law  
2009-2026

Ohio Super Lawyers  
2010-2020

### OVERVIEW

David is a member of the casualty department handling matters involving products liability, trucking and transportation, automobile liability, premises liability, construction accidents, uninsured and underinsured motorist coverage and personal injury. He has represented insureds in business disputes, construction claims, complex litigation and business arbitrations. David has also handled litigation concerning defamation, contractor claims, property use disputes, and commercial and business property losses. He has extensive experience negotiating favorable settlements independently and through mediation and other forms of ADR.

Additional areas of practice include insurance coverage, contract interpretation and analysis for first and third party claims; and defense of coverage disputes and bad faith lawsuits involving commercial general liability, commercial property, commercial vehicle, umbrella, auto and homeowners' policies; and claims for environmental damage, asbestos and other toxic torts.

David is admitted to practice in all Ohio Courts, all Federal District Courts in Ohio, the Sixth Circuit Court of Appeals and the U.S. Supreme Court. David is a life member of the Eighth District Judicial Conference. He is a member of the American, Ohio State, Cleveland Metropolitan, and Lake County Bar Associations, the Defense Research Institute, the Ohio Association of Civil Trial Attorneys, the Cleveland Association of Civil Trial Attorneys, the Claims & Litigation Management Alliance, and the Justinian Forum.

A shareholder with an AV® Preeminent™ by Martindale-Hubbell rating, David has also been selected by his peers as an "Ohio Super Lawyer" annually since 2010, as published in *Cincinnati Magazine* and *Northern Ohio Live Magazine*. Since 2009, he has been listed in *The Best Lawyers in America*®.

David received his B.A. from Southern California College in 1980, and his *juris doctor* from Cleveland-Marshall College of Law in 1985.

---

## ASSOCIATIONS & MEMBERSHIPS

American Bar Association

Cleveland Association of Civil Trial Attorneys

Cleveland Metropolitan Bar Association

Defense Research Institute

Justinian Forum

Ohio Association of Civil Trial Attorneys

Ohio State Bar Association

---

## YEAR JOINED

2016

## THOUGHT LEADERSHIP

### Ohio Appeals Court Affirms Class Certification in Auto Insurance Total Loss Valuation Dispute; Ohio Supreme Court Review Pending

**Cleveland**

**Insurance Services – Coverage & Bad Faith Litigation**

**October 1, 2025**

The plaintiffs filed a class action lawsuit in the Cuyahoga County Common Pleas Court, alleging that an insurer's use of projected sold adjustments (PSA) in calculating the actual cash value (ACV) of vehicles when settling total loss claims was ar

### 98 Marshall Dennehey Attorneys Recognized in the 2026 Editions of The Best Lawyers in America® and the Best Lawyers: Ones to Watch® in America

August 20, 2025

Marshall Dennehey is proud to highlight the firm's 98 attorneys who have been recognized in the 2026 editions of The Best Lawyers in America® and the Best Lawyers: Ones to Watch® in America. Less than 6% of all practicing lawyers in the U.S.

[Read More](#)

### Ohio Supreme Court to Review Scope of Attorney-Client Privilege in Bad Faith Cases.

**Cleveland**

**Insurance Services – Coverage & Bad Faith Litigation**

**October 1, 2024**

The Ohio Supreme Court has accepted the insurer's appeal in this case, which arose out of an underinsured motorist claim, which the insurer had settled. Case Law Alerts, 4th Quarter, Octo

### Court Rules that Liability Insurance Does Not Cover Claims for Civil Liability Under the Antiterrorism Act 18 U.S.C. 2333(a)

**Cleveland**

**Insurance Services – Coverage & Bad Faith Litigation**

**July 1, 2024**

Several insurers sought a declaration that they were not obligated to indemnify the defendant when it resolved underlying claims alleging liability for support of Columbian terrorists. Case Law Alerts, 3rd Quarter, July

### Ohio Supreme Court Finds that Hidden Damage Discovered After Appraisal Was Completed and Repairs Commenced May Still Be Recoverable

**Cleveland**

**Insurance Services – Coverage & Bad Faith Litigation**

**July 1, 2024**

The plaintiff was insured by the defendant insurance company for property damage to its building, which sustained wind damage in a storm on February 24, 2019. Case Law Alerts, 3rd Quarter, July

## CLASSES/SEMINARS TAUGHT

*Insurer, Adjuster and Agent and Broker Liability: A - Z*, National Business Institute, August 26, 2016, presenter

*Ten Commandments of Working with Expert Witnesses*, June 13, 2013, CLM Transportation Conference, panelist

*Anatomy of a Complex CGL Claim, Additional Insureds – Ohio Anti-Indemnity Statute*, Cleveland Metropolitan Bar Association, November 2, 2012

*Insurance Law from Basic to Advanced – Claims Handling Process*, Akron Bar Association October 30, 2012

*What Civil Court Judges Want You to Know*, National Business Institute, November 4, 2011, moderator

*Ohio Tort and Insurance Case Law Update*, Akron Claims Association, April 14, 2010

*Insurance Law in Ohio*, Lorman Educational Services, March 21, 2003, co-author and presenter

*Insurance Law in Ohio: Third Party Coverage in Ohio*, National Business Institute, March 14, 1996, co-author and presenter

## PUBLISHED WORKS

"Ohio Supreme Court Holds That General Contractor's CGL Insurer Is Not Obligated to Defend Suit Alleging Subcontractor's Faulty Workmanship," *Legal Updates for Coverage & Bad Faith*, March 2019

*Case Law Alerts*, regular contributor, 2018-present

*Ohio Construction Insurance Law; Policyholder and Insurer Perspective on Custom Agri*, Bar Journal of the Cleveland Metropolitan Bar Association, February 2013, coauthor

*A.M. Best Ohio Digest of Insurance Law*, Editor 2012-present

## RESULTS

### Summary judgment for insurance broker and two Lloyds syndicates.

#### **Insurance Services – Coverage & Bad Faith Litigation**

**March 1, 2020**

We obtained a ruling granting summary judgment in favor of an insurance broker and two Lloyds syndicates in a case pending in the United States District Court for the Northern District of Ohio. The case involved a claim arising from a fall from a tree stand at a hunting camp.