



David G. Hofmayer

Senior Associate

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David Hofmayer's practice concentrates on general business litigation, with an emphasis on insurance policy recovery disputes.

As a litigator, David's responsibilities encompass the full scope of initial, foundational elements of assembling a case, particularly discovery. This phase of large or complex cases is exceptionally labor-intensive, but also essential to developing the evidence, facts, and strategy the balance of the proceedings rely on. In this role, he is intimately involved in both propounding and responding to discovery, as well as the subsequent document review. He also engages in discovery motion practice – drafting, replying to, and arguing discovery motions – and defends depositions.

Insurance recovery disputes follow a somewhat different trajectory. In these cases, David is a member of the team representing the insured, and is responsible for advocating for more complete reimbursement or coverage for a loss. Initially, the process begins with negotiation with the insurance company, and depending on the facts at hand, can be concluded at that state, or proceed into mediation or litigation. David is deeply involved at both an operational and a tactical level.

David has a special interest in developments in insurance recovery that arise from rapidly-advancing technology. As one example, as the use of autonomous vehicles becomes more widespread, the personal liability typically contemplated by insurance policies will be significantly decreased, but there will be corresponding increases in product liability claims, including against parties in the supply chain who provided components but were not directly involved in a specific incident. These parties will need to reconsider their insurance requirements. As another, cyberinsurance will be rapidly-expanding area of coverage and disputes, as data breaches and hacking become more widespread. David has both blogged and spoken about these topics, and has an ongoing interest in exploring the strategic implications to his clients of advances in technology, and the corresponding changes (or lack thereof) in the insurance that protects them.

David served as a legal intern with the U.S. Department of Labor in the New York Regional Solicitor's Office.

Experience

Claims Advocacy for Technology Company Involved in Data Breach

We represent a software and services company in an insurance claim arising out of a data breach that involves resolution of coverage issues relating to both customer and consumer class actions claims.

Office of the California State Public Defender

Retained to counsel and assist the Office of the California State Public Defender in dealing with certain professional-responsibility issues arising out of post-filing investigations of documents filed in connection with a writ of habeas corpus. Issues must be handled in both superior court and in the State Supreme Court.

Services

- Business Litigation
- Insurance Recovery

Education

- Harvard Law School (J.D., 2016)
 - . *magna cum laude*, executive editor, *Harvard Law and Policy Review*
- Emory University (B.A., 2008)
 - . *summa cum laude*, Robert W. Woodruff Scholar

Bar Admissions

- California

Clerkships

- U.S. District Court (Nevada), Andrew P. Gordon

Publications

June 1, 2020

What Retailers Need to Know About California's Price-Gouging Laws

Retail Leader

May 22, 2020

Coronavirus and Federal Payroll Tax Credits: Relief Available for Cannabis Companies

Marijuana Venture

May 5, 2020

Testing California's Price Gouging Statute

Law360

6/8/2018

Negligent Hiring and Supervision Can Be an 'Accident'

5/8/2018

Navigating the Autonomous-Vehicle Liability Waters

Outside the Office

David is an outdoor sports aficionado, who enjoys, among other things, cycling, cross-country, rowing, skiing, snowshoeing and backpacking. He also grew up playing the piano, and still enjoys playing, both classical and jazz, and accompanying singers. He's also involved with the Lighthouse Community nonprofit charter schools in Oakland, and to his everlasting credit, once helped dehorn a bull.