David P. Very - Member

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David Very's statewide litigation practice encompasses a variety of complex cases involving personal injury, professional liability and attorney malpractice, insurance defense and litigation, product liability defense, construction law, and general business litigation. He is Maine counsel for one of the nation's largest home improvement "big box" retailers and multiple nationally-known commercial and industrial insurance companies. David also represents numerous other insurance companies and self-insured business entities throughout the state, defending products liability and personal injury law suits. Conversely, he is a capable advocate in first party insurance coverage cases and litigation, including fire and uninsured motorist claims.

Simultaneously involved in a broad range of legal issues to be negotiated, tried and resolved, David is one of only four Maine lawyers to be selected as a member of the insurance industry's influential Council on Litigation Management, and a recipient of the prestigious American College of Trial Lawyers Advocacy Award. David is a member of DRI and served as Maine's State Representative.

David represents attorneys and real estate brokers, among other licensed professional service providers, in malpractice and professional negligence actions, in court and in administrative hearings, including regulatory agencies and bodies such as the Real Estate Commission and Bar Association boards of inquiry.

A representative sample of some of the cases Dave has handled that resulted in significant decisions includes:

Reliance v. Knowles, which was the first decision in the country from a state's highest court barring a products liability action based upon a waiver of subrogation clause in a construction contract.

Decker v. New England Public Warehouse, which was the first case in Maine determining a shipper's liability to the trucking company and driver; *Day v. Allstate,* which was the first case in Maine to determine uninsured motorist coverage with a combined single limit policy; *Nuccio v. Nuccio,* which was the first decision in the country holding that statute of limitations applied in a case where the defendant's intentional conduct caused the plaintiff to repress memory of an incident, and *Collomy v. SAD No. 55,* which is Maine's leading case on landowner's liability to trespassing minors for an "attractive nuisance."

David served 12 years in the Army and National Guard concluding his career as the Company Commander of the

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133rd Engineer Battalion's Company B in South Portland. He enjoys coaching and served on the board of directors for Portland Bayside Little League, Portland Youth Football and Back Bay Lacrosse. He is also a Junior Achievement volunteer and an Odyssey of the Mind coach. He co-founded the Back Cove Neighborhood Association and served as president.

Education

- University of Maine School of Law, J.D., *cum laude*, 1989
- University of Rhode Island, B.A., *cum laude*, 1984

Practice Areas

Attorney and Professional Liability
Construction Law
Insurance Defense Litigation
Products Liability
Transportation Law
Trials and Litigation

Affiliations

Admitted to Practice

- State of Maine
- U.S. District Court, District of Maine
- U.S. Court of Appeals, First Circuit

Member, Past and Present

- Maine State Bar Association, Member
- Cumberland County Bar Association, Member
- Defense Research Institute, Member
- Maine Trial Lawyers Association, Member
- Back Cove Neighborhood Association, President
- Portland Bayside Little League and Portland Youth Football, Board of Directors

Selected Reported Cases

- *Mrs. K v. City of South Portland*, 407 F.Supp.2d 290 (D. Me. 2006).
- *Reliance National Indem. v. Knowles Industrial Services*, 2005 ME 29, 868 A.2d 220.
- *Allarie v. Donnelly*, 256 F.Supp.2d 8 (D. Me. 2003).
- *Decker v. New England Public Warehouse, Inc.*, 2000 ME 76, 749 A.2d 762.

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- *Buzzell v. C.C. Eastern, Inc.*, 123 F.3d 347 (1st Cir. 1998).

Designations

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