David L. Swanson

Partner

Dallas

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David has more than 30 years of experience representing high-profile clients, such as private equity funds, a publicly traded REIT, and financial institutions in complex litigation disputes.

OVERVIEW

David's practice encompasses jury and non-jury trials, bankruptcy proceedings, appeals, arbitration, administrative hearings, and mediation. He briefs and argues cases before state and federal appellate courts, providing robust legal support in commercial lending, real estate, contract disputes, business torts, construction claims, and more.

David brings a comprehensive approach to resolving disputes involving commercial real estate, environmental issues, landlord-tenant conflicts, and foreclosure matters. He represents clients in high-stakes cases, such as joint venture disputes, indemnity and casualty loss claims, and business tort disputes. David's notable experience includes representing a private equity fund in a joint venture dispute in Puerto Rico and a REIT in a wrongful death action in Louisiana.

REPRESENTATIVE MATTERS

- Represented a publicly traded REIT on real estate, tax, property damage, and premises liability issues.
- Represented a private equity fund in a joint venture dispute regarding commercial real estate in Puerto Rico.
- Represented a private equity fund in an indemnity and casualty loss involving independent and assisted living facilities.
- Represented a high-net-worth individual in a business tort dispute and receivership.
- Represented entities in an adversary proceeding over debt and related subordination agreement.
- Represented tobacco distributor in collecting amounts due under credit agreement and guaranty.
- Represented CMBS special servicers in workout and collection matters.
- Represented a private equity fund in a dispute with a restaurant tenant in a hotel.
- Represented a CMBS special servicer in disputes regarding notes secured by an office building, hotel, and mall.
- Represented a REIT in a wrongful death action in Louisiana.
- Represented a private equity fund in acquiring commercial paper and in liquidating either the commercial paper or the real estate pledged to secure the debt.

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- Represented a CMBS special servicer in a dispute over yield-maintenance provision in notes.
- Represent a contractor in a dispute with the owner over additional work.
- Represented a CMBS special servicer to get a federal court receiver appointed over assets in multiple states.
- Represented the surviving entity in a Chapter 262 appraisal action in the Court of Chancery in Delaware.
- Represented a private equity fund in putative class actions brought by shareholders over the fund's acquisition of public companies.
- Represented a CMBS special servicer of a franchise note trust in a fraudulent transfer action against a borrower.
- Represented a private equity fund in a declaratory judgment action against a title insurance carrier in Federal Court.
- Represented a former public company in a threatened appraisal suit in Delaware.
- Represented a brokerage firm in claims by former customers.
- Represented a property owner in an easement dispute.
- Represented a general contractor in an EPC contract dispute in an attempt to recover costs incurred for changes, delays, and inefficiencies on a $123 million project.
- Defended a general contractor from a subcontractor's claims for an additional $5 million in compensation for work on a cement plant expansion project.
- Defended a general contractor from a subcontractor's claims for an additional $19 million in compensation for delays and inefficiencies in placing fiber optic cable from New York to Ohio.
- Represented a plant owner, general contractor, and paving contractor in OSHA investigations arising from fatal accidents.
- Represented a general contractor in a construction defect case arising from the construction of a warehouse addition.
- Represented a developer of technology in an intellectual property dispute arising from a joint venture agreement with a large microchip manufacturer.
- Represented a division of a multinational company in a DTPA claim for approximately $3 million predicated upon allegedly defective roofing materials.

Reported Decisions

- *Harrison Company, L.L.C. v. A-Z Wholesalers, Inc., et al.*, is 44 F. 4th 342 (5th Cir. 2022).
- *Power v. Power*, No. 05-19-01557-CV, 2022 WL 1314944 (Tex. App.—Dallas May 3, 2022, pet. granted, judgm't vacated w.r.m.).
- *LSREF2 Cobalt (TX) v. 401 Centre, LLC et al.*, 501 S.W. 3d 626 (Tex. App. 2016).
- *BKCAP, LLC v. Captec Franchise Trust* 2000-1, 688 F. 3d 810 (7th Cir. 2012).
- *BKCAP, LLC v. Captec Franchise Trust*, 2000-2001, 701 F. Supp. 2d 1030 (ND Ind. 2010).
- *BKCAP, LLC v. Captec Franchise Trust* 2000–1, 572 F. 3d 353, 355–57 (7th Cir.2009).
- *State of New Mexico v. Caudle*, 108 S.W. 3d 319 (Tex. App—Tyler 2002, review den'd).
- *Caprock Investment Corp. v. FDIC*, 17 S.W. 3d 707 (Tex. App—Eastland 2000, no writ).
- *Boone v. Carlsbad Bancorporation, Inc.*, 972 F. 2d 1545 (10th Cir. 1992).
- *United Food & Commercial Workers Union*, Local No. 1564 v. Quality Plus Stores, Inc., 961 F. 2d 904 (10th Cir. 1992).

AWARDS

- *Best Lawyers in America*®: Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law (2024-2027); Commercial Litigation (2025-2027)

- *Thomson Reuters* Stand-out Lawyer (2026) – independently rated lawyers
- Dallas Bar Association, Private Bar Involvement Award (November 1991)

TOP AREAS OF FOCUS

- Business Litigation
- Litigation + Trial
- Real Estate Litigation

ALL AREAS OF FOCUS

- Bankruptcy + Restructuring
- Business Litigation
- Commercial Mortgage-Backed Securities Special Servicing
- Litigation + Trial
- Private Equity
- Real Estate
- Real Estate Litigation

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, State Bar of Texas
- National Institute for Trial Advocacy Program (summer 1991)

EDUCATION AND CERTIFICATIONS

EDUCATION

- Memphis State School of Law, J.D., *associate managing editor, Memphis State Law Review*, 1986
- University of Missouri, B.S., *agricultural economics*, 1983

BAR ADMISSIONS

- Texas

COURT ADMISSIONS

- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, Western District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Texas

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