



David K. Herzog Partner

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David Herzog is a partner with Hoover Hull Turner LLP and a Fellow of the American College of Trial Lawyers. He has represented parties in business lawsuits for nearly 40 years. He has also argued appeals before the U.S. Court of Appeals for the Seventh Circuit, the Indiana Supreme Court, and the Indiana Court of Appeals.

DAVID REPRESENTS:

- Corporations in business disputes, including class actions
- Shareholders, partners, and other equity owners in disputes involving closely held corporations, partnerships, and limited liability companies
- Businesses and special committees in derivative and corporate-governance matters
- Financial institutions in securities and fiduciary litigation
- Law firms and lawyers in professional malpractice claims

EDUCATION & PRIOR EXPERIENCE

- J.D., Vanderbilt University School of Law; Order of the Coif; *Vanderbilt Law Review*
- A.B., *summa cum laude*, Wabash College; Phi Beta Kappa; Commencement Speaker

From 1980 to 2000, David was an associate and then a partner at Baker & Daniels, serving as Managing Partner of the firm's Indianapolis office from 1998 to 2000. He then became Executive Vice President, General Counsel, and Secretary of Conseco, Inc.,

a Fortune 500 company based in Carmel, Indiana. David returned to what is now Faegre Baker Daniels as a partner in 2003, serving as Leader of the 130-person Business Litigation Practice Group from 2009 through 2016.

RECOGNITIONS

- American College of Trial Lawyers–Fellow
- *The Best Lawyers in America*®
 - Bet-the-Company Litigation
 - Banking & Finance Litigation
 - Commercial Litigation
 - Securities Litigation
 - Indianapolis Banking & Finance Litigation Lawyer of the Year (2016)
 - Indianapolis Bet-the-Company Litigation Lawyer of the Year (2015 & 2019)
 - Indianapolis Securities Litigation Lawyer of the Year (2012 & 2018)
- *Indiana Super Lawyers*®
 - Indiana’s Top 10 (No. 1 in 2018)
- *Chambers USA: A Guide to America’s Leading Business Lawyers*®
 - General Commercial Litigation – Band 1
- Global Law Experts Annual Awards – Indiana Business Litigation Attorney of the Year (2015)
- *Benchmark Litigation*®
 - “*Local Litigation Star*” – Commercial Litigation and Securities
- Distinguished Fellow, Indianapolis Bar Foundation

CIVIC INVOLVEMENT

- Christian Theological Seminary Board of Trustees (Chair, 2006-11)
- Fairbanks Hospital Board of Directors
- American College of Trial Lawyers Indiana Committee
- Indianapolis Jazz Foundation Board of Directors

EXPERIENCE

Though all cases vary and none is predictive, David’s recent experience includes:

- *Arconic, Inc. v. Universal Alloy Corp.*, 1:15-cv-01466 (N.D. Ga.)—alleging misappropriation of trade secrets used to manufacture heavy-press aluminum aerospace components for The Boeing Company
- *D.C. Chartered Health Plan (in Rehabilitation) v. D.C. Healthcare Systems, Inc.*, No. 2013 CA 003752 B (D.C. Super.)—asset-recovery proceeding ancillary to the rehabilitation of a Medicaid HMO
- *Christ Church Cathedral of Indianapolis v. JPMorgan Chase and Company and JPMorgan Chase Bank, N.A.*, 1:14-cv-1331 (S.D. Ind. 2015)—trust administration
- *SCI Propane, LLC v. Frederick*, 39 N.E.3d 675 (Ind. 2015)—reinterpreting Indiana law governing the recoverability of attorneys’ fees in wrongful-death cases
- *FdG Logistics, LLC v. A&R Logistics Holdings, Inc.*, C.A. 9706-CB (Del. Ch.)—alleging fraud in connection with the sale of a trucking company
- *Marsh Supermarkets, Inc. v. Marsh*, No. 1:09-CV-0458 (S.D. Ind. 2013) — two-week jury trial against former CEO involving fraud, constructive fraud, breach of contract, and ERISA claims
- *Oaktown Fuels Mine, LLC v. Hoosier Energy Rural Electric Coop., Inc.* (2012) — arbitration concerning the parties’ obligations to bargain in good faith under a long-term coal-supply contract
- *Kindle v. SCI Propane, LLC* (Morgan Superior Court 2010 and 2012) — three-week jury trial on liability and one-week jury trial on damages arising out of a propane explosion, producing one of the largest jury verdicts in Indiana history
- *White-Rodgers v. Kindle*, 925 N.E.2d 406 (Ind. Ct. App. 2010) — reinterpreting Indiana law governing the discoverability of expert reports created in prior litigation
- *Glasforms, Inc. v. Taishan Fiberglass, Inc.*, No. 5:06-CV-00213 (N.D. Cal. 2009) — four-week jury trial of contract/warranty dispute between Chinese manufacturer of raw fiberglass and domestic manufacturer of high-voltage insulators
- *Abdalla v. Qadorh-Zidan*, 913 N.E.2d 280 (Ind. Ct. App. 2009) — alleging breaches of fiduciary duty by members of limited liability companies engaged in real estate businesses
- *Malone v. ReliaStar Life Ins. Co.*, 558 F.3d 683 (7th Cir. 2009) — jury trial and appeal resulting in the

reinterpretation of Indiana's common law presumption of death

