

## ATTORNEY

# David E. Barker



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### SUMMARY

Mr. Barker is a trial attorney and manages the firm's Inland Empire office. Mr. Barker has a diverse practice encompassing both litigation and transactional matters. He has represented and counseled businesses, non-profit organizations, foundations, and public entities on issues of product liability, professional liability, general liability, and transactional matters. He serves as lead trial counsel representing clients in federal and state courts and in arbitration in matters of contract disputes, negligence, and other claims. Mr. Barker also frequently assists clients with issues related to administrative boards and bodies as well as with copyrights and trademark issues, including registration and defense/prosecution of infringement claims. He has served as *amicus* counsel before the California Supreme Court on behalf of professional trade organizations. On the transactional side, Mr. Barker assists clients with corporate formation, structuring, management, and mergers and acquisitions. He frequently helps clients with negotiation of various contracts and agreements for services, employment issues, and real estate matters.

Mr. Barker frequently presents seminars to various professional and trade organizations, writes articles on issues of concern to his clients, and has participated in various legislative efforts on topics of interest to his clients.

Mr. Barker graduated from California Lutheran University, with a Bachelor of Arts in Political Science and Business Administration in 1994. He obtained his Juris Doctor from Pepperdine University School of Law in 1997. Mr. Barker is admitted to the State Bar in both California and Nevada; the United States District Court for the Northern and Central Districts of California and for the District of Nevada; and the Ninth Circuit Court of Appeals.

### EXPERIENCE

**Prosecution of Architect's Copyright in Design Drawings:** Mr. Barker represented an architect against a design builder who violated architect's copyright by using architect's design without architect's permission or payment to the architect. Mr. Barker obtained a significant six-figure settlement after only one mediation and without filing a lawsuit.

**Counseled Architectural Firm in Business Acquisition:** Mr. Barker represented an architectural firm in an acquisition of two other design firms. The other firms were in a new geographic region and in a new industry. Mr. Barker successfully completed the asset purchase of the two design firms, providing the client with a new geographic foothold and expanded areas of practice.

**Defense Verdict for Geotechnical Engineer:** Mr. Barker represented a geotechnical engineer who was sued by a

developer for allegedly failing to identify contractor's defective construction on large commercial building pad. Mr. Barker successfully tried the case and obtained a verdict in the engineer's favor. In addition to defeating the claims, the engineer collected a six-figure amount of fees due and attorney's fees.

**Negotiated Significant Settlement for General Contractor in Fee Dispute:** Mr. Barker represented a general contractor in mediation against a public entity that failed to pay the contractor for undisclosed changed conditions and for impacts caused by illicit actions of public entity employees. Mr. Barker obtained a significant seven-figure settlement for his client – without filing a lawsuit – after one day of mediation.

**Judgment in Favor of Small Business Owner in Dog Bite Lawsuit:** Mr. Barker represented the owner of a small business sued by a patron who was bit by business owner's dog while in the establishment. Mr. Barker secured judgment in favor of business owner after trial.

**Summary Judgment in Favor of Architect:** Mr. Barker represented an architect sued by a landowner for allegedly defective plans causing significant increases in the cost of construction of a hillside home. Mr. Barker successfully moved the court and obtained an order granting summary judgment.

**Negotiated Successful Merger of Geotechnical Engineering Firm:** Mr. Barker represented a geotechnical engineering firm that sought acquisition as a means of succession planning for retiring principals. Mr. Barker completed successful merger of the client target firm into a larger firm, resulting in substantial buyout of principals of target firm.

**Obtained Highly Favorable Settlement in Architect Fee Dispute:** Mr. Barker represented an architect who sought additional fees after a school district significantly changed the delivery method of a public school project. Mr. Barker was able to negotiate a seven-figure settlement in favor of his architect client.

**Favorable Resolution in Wrongful Death Action:** In one of the first wrongful death claims in e-cigarette products liability actions, Mr. Barker secured a dismissal from the original federal court and before the action was refiled in state court, demonstrate that there was insufficient evidence that his client was in the chain of commerce or that its product was involved in the incident, which resulted in a very favorable settlement.

**Extensive E-Cigarette Injury Resolved For Low Value:** Mr. Barker demonstrated that plaintiff was disingenuous in various statements regarding the products and events that led to extensive permanent injuries in an e-cigarette products liability action. By doing so quickly and efficiently, Mr. Barker resolved his client's involvement in the matter with a very low settlement.

## PROFESSIONAL MEMBERSHIPS

- State Bar of California
- Pasadena Bar Association
- State Bar of Nevada
- Los Angeles County Bar Association (Dialogues in Freedom Committee: Member 2004, Chair 2005-2007)
- Association of Southern California Defense Counsel
- Professional Liability Underwriters Society (PLUS)
- American Institute of Architects (Inland Chapter)
- California Coalition of Adequate Student Housing

## PUBLICATIONS/SEMINARS

- *Copyright Concerns: What You Don't Say May Hurt You*

- *Condos: Should I or Shouldn't I?*
- *Indemnify and "Defense" A Wolf in Sheep's Clothing!*
- *Making it official: The who, when, where, what, why and how of architectural copyrights.*
- *Liens – A Simple How-To Guide to Protect Yourself and Get Paid under the new Mechanic's Lien Laws*
- *Dollars & Sense: Contractual Risk Transfer*
- *Cover Your Front To Protect Your Back: Architectural Copyrights*
- *So You Want To Run An Architectural Firm?*

## **PRACTICE AREAS**

- [Commercial Transactions](#)
- [General Business Litigation](#)
- [Professional Liability](#)
- [Products Liability](#)
- Trial

## **EDUCATION**

- Pepperdine University School of Law (J.D., 1997)
- California Lutheran University (B.A. Political Science and Business Administration, 1994)

## **BAR ADMISSIONS**

- California, 1997
- Nevada, 2000

## **COURT ADMISSIONS**

- United States District Court, Central District of California, 1997
- United States District Court, Northern District of California, 2001
- United States District Court, District of Nevada, 2005
- United States Court of Appeals for the Ninth Circuit, 2006