



David R. Osipovich

Partner

Pittsburgh
+1.412.355.6753

david.osipovich@klgates.com

OVERVIEW

Dave Osipovich is a trial lawyer, specializing in commercial litigation involving complex contracts. Dave has handled high-stakes litigation involving commercial leases, commercial insurance policies, asset purchase agreements, supply contracts, construction contracts, joint ventures, joint development agreements, oil-and-gas royalty agreements, and intellectual property licensing agreements.

Dave's practice is national: he has represented both plaintiffs and defendants in state and federal courts in Pennsylvania, New Jersey, New York, Massachusetts, Maine, Ohio, California, Arizona, Illinois, Indiana, Michigan, Oregon, Kentucky, Florida, Texas, Colorado, Nebraska, Oklahoma, and West Virginia. His clients include representatives of a wide variety of industries, including telecommunications infrastructure, food, aerospace, energy, health care, chemical manufacturing, and heavy manufacturing.

Currently, Dave serves as national litigation counsel for one of the country's largest telecommunications-infrastructure companies. In that role, he has helped his client avoid litigation more often than not but has also successfully handled multiple lawsuits for claims such as breach of contract, rescission, ejectment, tortious interference, and fraud.

In addition to his commercial-client practice, Dave has an active pro bono individual-client practice focusing on prisoners' rights, malicious prosecution, and illegally-excessive sentences. Dave currently serves as the pro bono coordinator for the firm's Pittsburgh office.

ADDITIONAL BACKGROUND

Dave holds a doctorate in Philosophy from Vanderbilt University. Prior to pursuing his legal career, Dave published a number of articles in peer-reviewed academic journals, and held tenure-track teaching positions at Marist College and Eastern Washington University. He has also taught Philosophy at Allegheny College and the College of William and Mary.

EDUCATION

- J.D., University of Iowa College of Law, 2009 (*Iowa Law Review*, *Trial Advocacy Team Captain*)

- Ph.D., Vanderbilt University, 2004 (*Philosophy*)
- B.A., DePaul University, 1997 (*Honors Program*)

ADMISSIONS

- Bar of Pennsylvania
- United States Court of Appeals for the Third Circuit
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP POWERED BY HUB

- 28 October 2019, Connecticut Supreme Court Affirms Continuous Trigger and Unavailability Exception, Makes First-In-The-Nation Law Regarding Occupational Disease Exclusion
- July 2018, GC University - Session Three - Commercial Contracting and Insurance Coverage

OTHER PUBLICATIONS

- “*R.T. Vanderbilt Clarifies Key Long-Tail Liability Issues of Connecticut First Impression*,” *American Bar Association*, 24 April 2017

NEWS & EVENTS

- 3 March 2023, 2023 Insurance Coverage Litigation Committee CLE Seminar, Hosted by American Bar Association
- 3 March 2022, K&L Gates Advises Vertical Bridge in \$1.4 Billion Asset-Backed Securitization
- 24 February 2020, K&L Gates Names 41 New Partners Across Global Platform

MEDIA MENTIONS

- Mentioned, W.Va. Judge Says 3 Exclusions Do Not Bar Coverage For Chlorine Gas Damages, *Mealey's Insurance*, 30 November 2021

AREAS OF FOCUS

- Commercial Disputes
- Appellate Litigation

- Class Action Litigation Defense
- Insurance Recovery and Counseling
- Real Estate Litigation

INDUSTRIES

- Aerospace
- Consumer Products
- Energy
- Food and Beverage
- General Manufacturing
- Health Care Sector
- Manufacturing
- Specialty Chemicals
- Technology
- Telecommunication and Mobile
- Telecommunication Infrastructure

REPRESENTATIVE EXPERIENCE

- National Litigation Counsel for one of the country's largest telecommunication infrastructure companies.
- Representing Fortune 500 chemical manufacturer in litigation to obtain insurance recovery for thousands of underlying benzene-related bodily injury claims.
- Representing energy company in multi-million dollar breach of contract dispute involving oil and gas development agreement.
- Representing Fortune 500 chemical manufacturer in litigation to obtain insurance recovery for 9-figure first-party property loss, as well as damages related to insurers' alleged bad faith claims handling. Primary drafter of successful motions for summary judgment establishing inapplicability of coverage-defeating coverage exclusions.
- Represented Fortune 500 food company in obtaining successful settlement of multi-million dollar breach of contract litigation against international food supplier.

- Represented telecommunications infrastructure company in obtaining successful settlement of multi-million dollar breach of contract and fraud lawsuit against television broadcasting company arising out of M&A transaction.
- Represented product development and innovation company in multiple-plaintiff consumer lawsuit for breach of contract and fraud; obtained arbitration defense award on all claims as to all plaintiffs.
- Represented radiology physician practice in obtaining successful settlement of breach of contract and bad faith claims handling lawsuit against medical malpractice insurer.
- Represented Fortune 500 food company in obtaining successful individual plaintiff settlement of TCPA class action.
- Represented Fortune 500 healthcare company in obtaining successful settlement of insurance coverage litigation against insurer involving an excess worker compensation policy.
- Represented composites manufacturer in obtaining successful settlements of 9-figure insurance recovery litigation against multiple insurers involving third-party environmental pollution liability related to Lower Passaic River Superfund site.
- Represented pro bono client in an appeal of a 25-year sentence arising out of a charge for possession with intent to distribute 1.5 pills of a controlled substance; successfully overturned sentence as illegally excessive.