



OVERVIEW

David Henry serves as the Chair of our firm's General Liability and Transportation Division, which includes our New York Labor Law and Gig Economy Practices. He focuses his practice on high exposure and complex litigation, dividing his time between our Florida and New York offices to assist clients in both states.

David specializes in working with national and international insurers, including the Lloyds of London Market, to defend corporations, municipalities, and individuals facing liability arising from various tort and commercial causes of actions. He has a strong track record of success, securing efficient outcomes as soon as possible, but also wins through voluntary dismissal, summary judgment, trial, and appeal. David has also developed a reputation as a skilled and deliberate negotiator, able to leverage nuanced and intricate coverage positions and defenses to benefit his clients through direct negotiation, and especially, at mediation.

David manages a large and experienced team of attorneys across multiple offices nationwide. Under David's leadership, the team focuses on the needs of our clients' cases, identifying the specific case-by-case litigation requirements to bring about an efficient resolution. The Division's attorneys emphasize effective communication and client service, regularly updating clients and insurers about each case's developments.

David's current practice centers on the most intricate and challenging matters, encompassing a range of complex cases involving New York Labor Law Section 240 cases, bad faith litigation, negligent security, dram shop, premises liability, commercial transportation, product liability, and more.

David boasts a wealth of diverse litigation experience, having skillfully handled a broad spectrum of cases, ranging from defamation, Section 1983 claims, construction defect, toxic tort, medical malpractice, directors' and officers' liability, professional malpractice, class action lawsuits, coverage, and matters under the Fair Debt Collection Practices Act. David has also engaged in commercial litigation.

David has been involved in cases with prominent media coverage and a strong community impact. He plays a crucial part in the firm's Rapid Response Team, ensuring his availability for unforeseen situations, regardless of the time of day.

ASSOCIATIONS

- The Florida Bar, Member
- Broward County Bar Association, Member
- American Bar Association, Member

CONTACT INFORMATION

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PRACTICE AREAS

- General Liability & Third-Party Insurance Defense
- Construction Accident & New York Labor Law
- Gig Economy Liability
- Trucking & Transportation
- Automobile Liability Defense
- Products Liability
- Professional Liability Defense
- Rapid Response Task Force
- Complex Commercial Litigation
- Negligent Security
- Premises Liability

ADMISSIONS

- Florida
- United States Court of Appeals, 11th Circuit
- United States District Court, Southern District of Florida
- United States District Court, Middle District of Florida
- New York
- United States District Court, Southern District of New York
- United States District Court, Eastern

- New York Bar Association, Member
- Defense Research Institute, Member

District of New York

- United States District Court, Western District of New York
- United States District Court, Northern District of New York

AWARDS

- *Best Lawyers: Ones to Watch*, Insurance Law, 2022
- *Super Lawyers* magazine, Florida "Rising Stars," PI General: Defense, 2021

EDUCATION

- St. John's University School of Law, J.D., 2007
- University of Florida, B.A., *cum laude*, 2004

CASE VICTORIES

- Appellate Court Affirms Complete Dismissal in Playground Injury Case, June 2022

MEDIA

- Quoted, "Legal experts advise revisiting religious accommodation policies following Supreme Court decision," *Commercial Carrier Journal*, July 2023
- Quoted, "Insurers Taking Note of Big Verdicts, But Trial Lawyers Say Don't Count on Changes", *Insurance Journal*, December 2021
- Featured, "Up Close – David Henry", *Business Insurance*, June 2021
- Featured, "Kelley Kronenberg Duo Named Insurance Defense Chairs", *Law360*, March 2021
- Featured, "Movers and Influencers", *Florida Trend*, March 2021
- Featured, "People on the Move", *Jacksonville Business Journal*, March 2021
- Featured, "People on the Move", *Orlando Business Journal*, March 2021
- Featured, "People on the Move", *South Florida Business Journal*, March 2021
- Featured, "People on the Move", *Tampa Bay Business Journal*, March 2021
- Quoted, "Deals Made in Garage: How Florida Attorneys are Adjusting to the Pandemic", *Daily Business Review*, April 2020
- Quoted, "Former MSD campus monitor wants grieving father of teen victim in jail", *Local 10*, February 2019
- Quoted, "Judge Will Allow Parkland Dad To Attend Former MSD Security Monitor's Deposition Next Week", *CBS Local Miami*, February 2019
- Quoted, "Stoneman Douglas: It was like a country club before the shooting, guard claims", *SunSentinel*, March 2019
- Featured, On the Move, Florida Bar News, March 2017
- Featured, People, *Miami Today*, February 2017
- Featured, "David S. Henry Joins Kelley Kronenberg's Fort Lauderdale Office as a Partner", *Legal Learning Series*, February 2017

- Featured, "David S. Henry Joins Kelley Kronenberg's Fort Lauderdale Office as a Partner", *Attorney at Law Magazine*, January 2017
 - Featured, "David S. Henry Joins Kelley Kronenberg's Fort Lauderdale Office as a Partner", *SunSentinel*, January 2017
 - Featured, "People on the Move", *South Florida Business Journal*, January 2017
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PUBLICATIONS

- Florida Legislature Potentially Changing Tort Landscape...Here's What You Need to Know, *Kelley Kronenberg*, February 7, 2020
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SPEAKING ENGAGEMENTS

- Speaker, "Active Shooting Liability" February 2023
 - Speaker, "Traumatic Brain Injury," February 2022
 - Speaker, "Somebody is Watching You – Social Media and Surveillance in Litigation," February 2022
 - Speaker, *School Shootings – Maze of Liability Complexity*, The International Association of Claim Professionals (IACP) New York Conference, November 2021
 - Speaker, *The "Open and Obvious" Defense in Florida: Not Typically a Complete Defense*, September 2020
 - Speaker, *Active Shooting Liability seminar*, July 2019
 - Speaker, *Negligent Security seminar*, April 2018
 - Speaker, *Active Shooting & Liability Coverage seminar*, January 2018
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REPRESENTATIVE CASES

New York:

- Successfully defended a New York Labor Law case in which a worker was struck in the leg by a falling fan cowl cover, both at the summary judgment stage and on appeal.
- Successfully defended a New York Labor Law case involving a worker who fell into a floor hole during the renovation of a prominent Midtown theatre, both at the summary judgment stage and during the subsequent appeal.
- Successfully defended a New York Labor Law case involving a construction contractor at a Lowe's site, following a severe injury sustained by an ironworker, who became trapped by construction materials while his pant leg was caught in rebar.
- Successfully defended a New York Labor Law case involving a homeowner, where a painter sustained injuries after striking his head on a low door during painting work, necessitating multiple spinal surgeries.

- Successfully defended a New York Labor Law case against a general contractor, following an incident where the plaintiff was electrocuted while handling cables and fell from a ladder, resulting in severe injuries.
- Successfully defended a lawsuit against a window installer where an elderly woman suffered a hip fracture due to a falling window.
- Successfully defended a New York Labor Law matter at a mansion, where a worker sustained significant injuries during the construction of an expansion.
- Successfully defended a general contractor after a young boy entered an abandoned construction site and had his foot crushed by a falling I-beam, leading to the amputation of his big toe.
- Obtained summary judgment for a restaurant and bar in a federal court case involving negligent security and violation of Dram Shop laws, following an incident where off-duty police officers fatally shot an underage male after an altercation within the premises.
- Secured a defendant's verdict at trial for a gastroenterologist sued for a colon perforation that required multiple surgical interventions.
- Successfully defended a gynecologist in a lawsuit concerning multiple perforations during a gynecological procedure.
- Obtained a defense verdict at trial for a driver and the corporate vehicle owner accused of causing significant injuries to the plaintiff. Additionally, successfully had the claim for punitive damages dismissed on procedural grounds.
- Successfully defended a case against a trucking company involving a motorcycle accident resulting in the plaintiff's death.
- Successfully defended a homeowner against a suit after the plaintiff was discovered at the bottom of the homeowner's pool, leaving the plaintiff quadriplegic.
- Obtained a dismissal of a product liability suit against a retailer, where the plaintiff was rendered quadriplegic after diving into a lake at a YMCA.
- Achieved a favorable verdict in a federal court trial involving property damage to a yacht, resulting in a settlement equivalent to the pre-trial offer and significantly lower than the settlement demand or the plaintiff's trial request.

Florida:

- Defended two off-duty campus monitors accused of failing to initiate a Code Red response in all civil cases arising from the Marjory Stoneman Douglas/Parkland Shooting massacre.
- Primary tort Florida defense counsel for two of the largest Gig Economy companies throughout the State of Florida.
- Defended a Dram Shop case where it was alleged that a restaurant had overserved a driver who caused an accident.
- Provided legal defense for a Homeowners' Association in a child drowning case, strategically leveraging coverage positions to ensure the insurer who retained our services did not cover the defense costs.
- Successfully defended a homeowner sued for negligent security in a case involving her tenant stabbing a neighbor.
- Obtained summary judgment for an event host facing multiple plaintiffs' claims, including a wrongful death claim, alleging negligence due to overcrowding and disturbances in a parking lot after an oversold event.
- Defended a negligent security case against a property owner where the plaintiff was shot while sitting in his car after work.
- Represented a synagogue in a negligent security case following a congregant being shot.

- Successfully defended a negligent security case against an open-air mall in a high-risk area, securing full indemnification for my client and its insurer.
- Defended a sexual assault case against brought by a co-employee, alleging that my client conspired to allow the sexual assault to occur and was negligent from stopping same.
- Conducted a substantial pre-suit investigation for an insurer, ensuring compliance with good faith obligations, investigating liability and damages, and devising strategies to protect insured parties.
- Defended a product liability action arising from an allegedly defective automobile lift.
- Served as monitoring counsel in multiple-competing transportation cases with significant tower of coverage and exposure for multiple insurers with multiple claimants involved.
- Defended a case against a construction company engaged in overnight work, resulting in a car striking elements of the job site, leading to fatalities. Deployment as part of the Rapid Response Team.
- Defended a defamation case against an individual sued after a decedent allegedly committed suicide based on the client's statements.
- Provided legal defense for a pharmacist accused of dispensing medication without the proper prescription, which led to the decedent's overdose and death.
- Defended a client who was a partner in a drug rehabilitation center and the plaintiff's decedent overdosed.

*Pro Hac Vice:**Georgia*

- Received a pro hac vice request to represent a defendant in Georgia, defending against allegations of negligence following the unfortunate death of an uninvited guest at his sister's wedding, hosted at his parents' residence.