

David Clifton Travis
Louisville, Kentucky

Founding Partner

BLUEGRASS LAWYERS,
PLLC



David C. Travis is a trial lawyer with extensive litigation experience and an excellent trial record. He is a founding partner of Bluegrass Lawyers and a prior founding partner of Travis, Herbert & Stempien Attorneys. From 2010-2017 The National Trial Lawyers recognized David as one of the Top 100 Trial Lawyers in America. David has a strong law practice emphasizing Business and Civil Litigation, Personal Injury, Insurance Litigation, Medicare Law, Sports & Entertainment Law, Commercial and Business Litigation, Defamation, Real Estate Law and Collection Law. David has a diverse and varied background, which includes Bank Management, Finance, Sports Management, Sports Marketing, Real Estate & Commercial Development, Collegiate Sports & Collegiate Coaching. In 2000, David was responsible for operational management for the PGA of America's 2000 PGA Championship held at Valhalla Golf Club in Louisville (won by Tiger Woods). David has served as local counsel for PGA of America since 2001 and assisted with the 2008 Ryder Cup, 2014 PGA Championship and 2011 Senior PGA Championship also held at Valhalla Golf Club in Louisville (The 2008 Ryder was won by the United States).

David is a true fan of the Louisville Community. As a former player and coach at the University of Louisville, David has a great love and appreciation for the University of Louisville. He currently sits on The Denny Crum Scholarship Foundation Board of Directors. David is an avid supporter and volunteer for the Cystic Fibrosis Foundation (where he currently sits on the Celebrity Dinner Committee), the American Cancer Society (where he formerly sat on the Trustee Committee), Metro United Way, YMCA's Project Safe Place, and the Greater Louisville Sports Commission. David is a graduate of Leadership Louisville, Focus Louisville. David is an owner and developer of Chamberlain Pointe, Louisville's premier mixed-use lifestyle and leisure center located in North East Jefferson County.

10% of all of David's private practice fees are donated to the charity of the client's choice. He and his family are active members of St. Patrick Catholic Church.

Areas of Practice:

- Personal Injury
- Business and Commercial Law
- Civil and Business Litigation
- Corporate Officer and Director Liability
- Insurance Litigation
- Medicare/Medicaid Law
- Sports & Entertainment Law
- Defamation
- Dram Shop Liability
- Collections & Subrogation
- Real Estate Development
- Wills & Estates

Bar Admissions:

- Kentucky, All State Court Jurisdictions, 2001
- United States District Court, Eastern District of Kentucky
- United States District Court, Western District of Kentucky

Education:

Brandeis School of Law, University of Louisville, Louisville, Kentucky
Juris Doctor (J.D.), 2000

University Of Louisville, Louisville, Kentucky
B.S. (Education, Sports Management)

Leadership Louisville Foundation, Focus Louisville, Graduate

Noteworthy Cases:

Plaintiff Cases:

Jose Santos, et al. v. The Miami Herald, et al., DEFAMATION by a Newspaper; David served as lead counsel in Broward County, Florida, for Jose Santos, a Hall of Fame Thoroughbred Jockey, and Sackatoga Stable, the Owners of the 2003 Kentucky Derby Champion - Funny Cide. Jose Santos alleged The Miami Herald defamed him when it published an article one week after the 2003 Kentucky Derby claiming that Jose Santos had used an electrical device to help Funny Cide win the Kentucky Derby. A Kentucky Derby Stewards' inquiry and investigation proved the allegations to be false. Plaintiffs filed suit and alleged \$500 million dollars in damages. Shortly before trial in 2008, the suit was settled to Jose Santos' satisfaction.

Thomas E. Murphy v. World Triathlon Corp. et al., BODILY INJURY, NEGLIGENCE; David represented Tom Murphy after he suffered traumatic injuries while participating in the 2007 Ford Louisville Ironman in Louisville on August 27, 2007. After completing the 2.4 mile swim and over 100 miles of the 112 mile bicycle portion of the Ironman (triathlon) competition, Tom Murphy was directed by an Oldham County police officer to proceed through an intersection. At the same time, a vehicle was allowed by another police officer to enter the intersection. A wreck occurred and Tom Murphy suffered traumatic injuries including, a closed head injury, broken vertebrae, fractured both clavicles, chipped eight teeth and was air lifted to the level 4 trauma center at the University of Louisville. Suit was filed. Mr. Murphy claimed damages exceeding \$1.5 Million dollars for medical expenses and pain & suffering. An unspecified amount was claimed for punitive damages. Shortly before trial, the case was settled to the satisfaction of Mr. Murphy.

Sara Jane Walker v. Lone Star Transportation and Nationwide Ins. Co., et al., BODILY INJURY AND INSURANCE BAD FAITH; David represented Sara Walker after she was hit by an oversized semi-truck while jogging along U.S. Hwy 22 in Oldham County, Kentucky. David also represented Sara Walker in an Insurance Bad Faith action against Nationwide Insurance and Scottsdale Insurance Companies for negligence adjustment and misrepresentation of policy benefits. Ms. Walker suffered a fractured femur (that required surgery and permanent placement of surgical rods and pins in Ms. Walker's leg) and a closed head injury. Prior to filing suit the bodily injury claim was settled. Nationwide Insurance and Scottsdale Insurance also entered into a satisfactory settlement of the bad faith and Unfair Claims Settlement Practices Act (KRS 304.12-230, et seq.) claims.

Adam Bohn v. Linda French and State Farm Ins. Co., BODILY INJURY AND INSURANCE BAD FAITH; David represented Adam Bohn after he was injured when Linda French's automobile turned left turn in front of Adam's car. Mr. Bohn suffered a fractured tibia plateau (knee). Suit was filed. Court Ordered Mediation was unsuccessful. Days before trial, the Defendant offered \$7,500 to settle Adam's bodily injury claims. The offer was rejected and the case went to trial. After three days of testimony, the jury found in favor of Adam and awarded Adam \$185,386.75 in damages. The Bad Faith and Unfair Claims Settlement Practices Act (KRS 304.12-230, et seq.) claims were settled shortly after trial.

American Commerce Ins. Co. v. Julia Cain, NO FAULT BENEFITS AND PERSONAL INJURY, NEGLIGENCE; David represented Julia when American Commerce Insurance Company filed suit against her for a declaration of rights. Julia filed a counter-complaint alleging that American

Commerce Insurance Company had violated Kentucky law by failing to properly provide No-Fault and Added No-Fault (Reparations) benefits at the time they sold her an automobile insurance policy. David settled Julia traumatic bodily injury claim for the insurance policy limits. The declaration of rights action was settled while pending in the Kentucky Court of Appeals.

Joshua Tinch v. Jefferson County Public Schools (JCPS), WRONGFUL TERMINATION AND DEFAMATION OF CHARACTER: David represented Joshua Tinch, a former professional football and basketball player and star athlete at the University of Louisville. Mr. Tinch filed suit against JCPS after he was terminated from his position as an Instructor III based on false accusations raised by a teenage student. Josh's complaint and the proof asserted, showed the allegations against him were false and JCPS failed to follow proper protocols during their investigation. Louisville Metro Police and Child Protective Services conducted extensive investigations and concluded that no reasonable basis existed for the allegations. Josh filed suit in Jefferson Circuit Court and JCPS removed the case to Federal Court. After filing suit and completing discovery, the case was settled for an amount acceptable to Mr. Tinch. He was reinstated as an Instructor III and his termination was reclassified to a resignation.

Defense Cases:

Pam Daniel, et al. v. Ford Motor Company and Active Day Corporation, et al.; **VEHICLE CRASH WORTHINESS, NEGLIGENCE;** David defended Active Day Corporation after it was sued by Pam and Michael Daniel under a theory that the vehicle Ms. Daniel was driving was not crash worthy. Ms. Daniel was driving a Ford van that had been converted to accommodate up to four (4) handicapped individuals in wheel chairs. Ms. Daniel alleged she suffered T-5, T-6 compression fractures, which left her paralyzed from the chest down when the van she was driving struck a tree at 35 and 45 mph. Suit was filed and discovery proceeded. Prior to trial the claim was settled.

BULLITT UTILITIES v. COGAN; ADVERSARY PROCEEDING, CORPORATE DIRECTOR LIABILITY; David is defending Mr. Cogan in an adversary proceeding filed by an appointed bankruptcy trustee in US Bankruptcy Court for the Western District of Kentucky. Mr. Cogan has answered the complaint, denied the allegations and completed discovery. In his deposition, the trustee acknowledged and admitted he had no reasonable basis to proceed with a claim against Mr. Cogan. The case currently awaits a ruling in US District Court on a motion to withdraw the reference.

Walter M. Butt, et al. v. Independent Club Ventures, DRAM SHOP LIABILITY, WRONGFUL DEATH; David represents Independent Club Ventures, LLC d/b/a The Electric Cowboy after they were sued by the Estate of three men who lost their lives in a motor vehicle accident. The suit alleges the Electric Cowboy over served the driver of the vehicle and the Electric Cowboy should be held liable to the Estate of the three men. The Complaint seeks unspecified damages. An Answer was filed denying all liability in Jefferson Circuit Court, Civil Division Five (5), 11-CI-01416. David sought dismissal and summary judgment was awarded in favor of Independent Clubs Ventures.

Clayton Fentiman v. Kele, Inc. and Metraflex Company, et al., BOILER EXPLOSION, DEFECTIVE PRODUCT, NEGLIGENCE; David defended The Metraflex Company after it was sued in 2006 by Clayton Fentiman under a theory that an expansion joint sold by Metraflex in 2002 was defective and caused an explosion in the boiler room at Jewish Hospital in Louisville. Plaintiff alleged that as a new boiler system was being activated a malfunction occurred and the expansion joint Mr. Fentiman was working on overheated and gave way causing an explosion. Plaintiff alleged he suffered burns and scarring as a result of the explosion. Metraflex Company denied the product it sold was in any manner defective and Plaintiff's employer's negligence was the primary cause of the explosion. This case was settled to the satisfaction of Metraflex Co., and a trial was held on Plaintiff's claims against the remaining Defendants.

Daniel Goodspeed, et al. v. Independent Club Ventures, DRAM SHOP LIABILITY, WRONGFUL DEATH; David represented Independent Club Ventures, LLC d/b/a The Electric

Cowboy and Greenstreet, Inc., after they were sued by the Estate of two men who lost their lives in a motor vehicle accident. The suit alleges the Electric Cowboy over served the driver of the vehicle and the Electric Cowboy should be held liable to the Estate of the two men. The Complaint seeks unspecified damages. An Answer was filed denying all liability in Jefferson Circuit Court, Civil Division One (1), 11-CI-06916. The case was settled to the satisfaction of the Electric Cowboy.

Mamie Drake v. Rudd Equipment Company, et al., LARGE TRUCK ACCIDENT, NEGLIGENCE; David defended Rudd Equipment Company and its employee after they were sued by Plaintiff Mamie Drake under a theory that a driver of a large truck, owned by Rudd Equipment, fell asleep and allowed his truck to run over the vehicle driven by Plaintiff. The defendants presented numerous defenses and the case was ultimately settled thru court ordered mediation.

Tiffany Jefferies v. Independent Club Ventures, WRONGFUL TERMINATION SEXUAL HARASSMENT, Tiffany Jefferies, a former bartender at The Electric Cowboy, filed suit against her former employer alleging wrongful termination and sexual harassment. The Complaint sought unspecified damages. An Answer was been filed denying all liability in Jefferson Circuit Court, Civil Division One (1), 10-CI-03915. After several years of litigation, the case was settled in 2016 for a nominal amount.

Stacey Doyle v. Rhea Divelbiss, DISPUTED RED LIGHT, NEGLIGENCE; David defended Rhea Divelbiss (93 years young), who had been sued by Plaintiff Stacey Doyle under a theory that Ms. Divelbiss' automobile ran a red light and caused traumatic injuries to Plaintiff. Plaintiff filed suit and sought \$50,000 for past pain and suffering, over \$100,000 for future pain and suffering and medical expenses. The case was tried and the jury returned a verdict in favor of Plaintiff and awarded zero (\$0) for pain and suffering and only \$2,507.00 in medical expenses. The jury also assessed 50% of the fault to Plaintiff. The award did not meet or exceed the Defendant's Offer of Judgment so Plaintiff took nothing. Plaintiff also paid Defendant's taxable court costs.

Mark Craycroft v. Rick Pippin, MALICIOUS PROSECUTION AND DEFAMATION; David defended Rick Pippin after he was sued by Mark Craycroft for malicious prosecution and defamation of character. David also filed a counterclaim on behalf of Rick Pippin against Mark Craycroft for property damage and malicious prosecution. The Court entered summary judgment in favor of Rick Pippin and dismissed all of the claims against him. The case proceeded to trial on Mr. Pippin's counterclaims against Mark Craycroft. A jury returned a verdict in favor of Mr. Pippin for \$176,368.06 (which included \$75,000 in punitive damages). No appeal was taken.

Tyra Watkins v. Turner Management Company, et al., SLIP AND FALL, PREMISES LIABILITY, NEGLIGENCE; David Defended Turner Management Company after it was sued by Plaintiff Tyra Watkins under a theory that Turner Management Company had created an unsafe environment in the stairwell of her apartment complex. Ms. Watkins claimed she slipped on paint left on a stair by a contractor employed by Turner Management Company. She claimed \$25,854.51 in medical expenses, \$200,000 in pain and suffering, \$80,000 in lost wages and reduction of her power to labor and earn money, \$150,000 in future pain and suffering and \$25,000 for future medical expenses. The case was tried and Plaintiff was found 100% at fault for her own injuries. The jury returned a defense verdict in favor of Turner Management Company. Plaintiff took nothing.

Donna Lay v. Grandview Realty Company, SLIP AND FALL, PREMISES LIABILITY, NEGLIGENCE; David defended Grandview Realty Company after it was sued by Plaintiff Donna Lay under a theory that Grandview Realty had failed to adequately protect Plaintiff or warn Plaintiff that black ice may have accumulated in the parking lot of her condominium complex. David defended the lawsuit and Defendant's motion for summary judgment was granted. Plaintiff's case was dismissed. Plaintiff appealed and the case settled at the Court of Appeals Prehearing Conference.

CLIENTS AND FORMER CLIENTS:

PGA of America, Bluegrass Automotive, Inc., Allstate Insurance Company, Kentucky Farm Bureau Insurance Company, Crum & Forster Insurance Company, United States Fire and Marine Insurance Company, Encompass Insurance

Company, Independent Club Ventures, Inc. d/b/a The Electric Cowboy, Anthem Steel, L.L.C., T1C Group, L.L.C., GQS, Inc., Cardinal Uniforms and Scrubs, Inc., Blankenbaker Primary Care, P.L.C., TriCounty OB/GYN, P.L.C., Evans Property Management, L.L.C.

AWARDS:

Top 100 Trial Lawyers, National Trial Lawyers 2010, 2011, 2012, 2013, 2014, 2015, 2016
Am Best, Best Insurance Attorneys 2009
Presidential Who's Who, Lifetime Member, Achievement in the Legal Profession, 2009*
Strathmoor's Who's Who, Professional of the Year, Legal Representation, 2008*
Strathmoor's Who's Who, Lifetime Member, 2008
Kentucky Bar Association, Pro Bono Award, 2002-2008
Jefferson County Public Schools, Champion for Children, 2002
*Published, Library of Congress, Washington D.C.

Memberships:

American Bar Association (ABA)
Kentucky Bar Association (KBA)
Louisville Bar Association (LBA)
Kentucky Defense Counsel (KDC)
Defense Research Institute (DRI)
Sports Lawyers of America (SLA)
North East Louisville Business Association (NELBA)
Middletown Chamber of Commerce

Pro Bono Activities:

Denny Crum Scholarship Foundation, Board of Directors (2008 to present)
Cystic Fibrosis Foundation, Celebrity Dinner Committee (2010-present)
American Cancer Society, Trustee Committee (2001-2008)
Metro United Way (Loaned Executive Program)
YMCA's Project Safe Place
Greater Louisville Sports Commission
Trinity High School (Board of Ambassadors)

REAL ESTATE DEVELOPMENT:

Chamberlain Pointe, Louisville, KY; David is an owner and developer of Chamberlain Pointe, a 10-acre, 160,000 sq. ft, mixed-use lifestyle and leisure center in northeastern Jefferson County, Louisville. Chamberlain Pointe conveys a unique downtown main street look in a suburban setting. Chamberlain Pointe encompasses retail shops, restaurants, banks, medical offices, general offices and neighborhood services. Current tenants at Chamberlain Pointe include: Salzman Institute for Plastic and Cosmetic Surgery, Kentucky Fertility Institute, Moe's Southwest Grill, Kleinert & Kutz Immediate Hand Care Center, Jennings Orthodontics, Old National Bank, Citizen's Union Bank, Thornton's Quick Café & Market, Kentuckiana Allergy, Results Physiotherapy, Tandoori Fusion (Indian Cuisine), Signature Smiles (Cosmetic Dentistry), Cardinal Uniforms & Scrubs, 9Rounds Kickboxing, and Pacific Cleaners. Now leasing: medical office, general office, retail and restaurant space. A 1.42 acre outlot is available for lease, build to suit or purchase. Zoned C-1. Chamberlain Pointe is located on US Hwy 22 and Chamberlain Lane, directly across from the new Norton Hospital Brownsboro, Norton Immediate Care Center, Norton Pediatric Hospital and Norton Cancer Center.