

**DAVID DAYTON**

Eastern Virginia Office  
757.623.4500  
david.dayton@kpmlaw.com  
[www.kpmlaw.com](http://www.kpmlaw.com)

**Place of Birth** Los Angeles, California

**High School** Fairfax High School, Fairfax, Virginia

**College** Virginia Polytechnic Institute and State University, Blacksburg, Virginia  
Major: Political Science

**Law School** University of Richmond School of Law, Richmond, Virginia

**Degrees** Bachelor of Arts, Virginia Polytechnic Institute and State University, 1987  
Juris Doctor, University of Richmond School of Law, 1989

**Legal Experience**

2002-Present *Partner, Kalbaugh, Pfund and Messersmith, P.C.*

Manages attorneys and staff in Norfolk, Virginia office, and has practice specializing in catastrophic injury tort litigation, including premises liability, products liability and tractor-trailer accident cases in both state and federal court. Developed a focus within his practice on the defense of quick service retail, restaurant and hospitality enterprises and has a long history of successful results for his retail and hospitality centered clients.

Also defended insurance carriers and home builders in defective Chinese Drywall litigation in both the federal Multi-District Litigation in the Eastern District of Louisiana and in Virginia state courts, and won the first Summary Judgment in a case of first impression in the Commonwealth of Virginia on issues related to the application of homeowner's coverage for homes built with defective Chinese Drywall.

1997-2002 *Associate, Kalbaugh, Pfund & Messersmith, P.C.*

Duties included handling all aspects of commercial and personal liability defense in Federal and State Courts, in addition to coverage issues, examinations under oath, case preparation and trials in the field of insurance defense. Additionally provided opinion letters to clients based upon research of insurance coverage



issues, in addition to practicing criminal defense law.

1994-1997 *Assistant Commonwealth's Attorney, Portsmouth, Virginia*  
Prosecuted felony and misdemeanor violations of the state criminal code in Circuit, General District, Traffic and Juvenile Courts, with emphasis in prosecuting serious offenders and crimes against the person, including capital murder.

1990-1994 *Assistant Commonwealth's Attorney, Norfolk, Virginia*  
Prosecuted felony and misdemeanor violations of the state criminal code in Circuit, General District, Traffic and Juvenile Courts, with emphasis on prosecuting violent crimes, including capital murder.

#### **Bar Memberships**

Virginia State Bar, 1990  
U.S. District Court, Eastern District of Virginia

#### **Professional Affiliations**

Member, Virginia Association Defense Attorneys  
Member, Defense Resources Institute  
Member, Norfolk and Portsmouth Bar Association  
Past-President, Executive Committee of Young Lawyers Section, Norfolk and Portsmouth Bar Association.  
Former Member, Sports and Fitness Industry Association Legal Task Force

#### **Honors & Designations**

AV Rating from Martindale-Hubbell  
Certified Litigation Management Professional (CLMP)

#### **Presentations**

May 1994 Virginia Association of Commonwealth's Attorneys  
Faculty Member  
Top Gun Drug Possession School

May 2000 International Association of Special Investigation Units  
Faculty Member  
Eight Annual Insurance Fraud Seminar