McBRAYER



DAVID J. KELLERMAN

Member

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HONORS & AWARDS

- Kentucky Super Lawyers®, 2010-2016, 2024-2025 (General Litigation)
- The Best Lawyers in America®, 2020-2027, Bankruptcy and Creditor Debtor Rights/ Insolvency and Reorganization Law

PRIMARY PRACTICE

Insurance Defense

Malpractice and Professional Liability Defense

Trucking & Commercial Transportation

Estate and Trust Litigation

ADDITIONAL PRACTICE EXPERIENCE

Commercial and Business Litigation

Appellate Advocacy

Construction Law

Real Estate Law

Commercial Lease Disputes

In his practice as a general litigator, David J. Kellerman relishes the opportunities he has to become well-versed in subjects he may not have encountered otherwise. From school dress codes to cab driving and beyond, he has hit the books to assist clients with a wide variety of legal matters in the fields of insurance defense, malpractice and professional liability defense, trucking and transportation litigation, estate and trust litigation, and more. David knows that when it comes to the stress and cost of litigation, clients need a dedicated guide. He is proud to serve in that role, exploring and explaining all the available options for his clients, as well as helping them to choose their battles wisely, even in the most complex or frustrating situations.

David brings his committed problem-solver's approach to every issue that every client brings him. While his practice focuses primarily on matters such as prosecuting and defending personal injury and wrongful death cases, commercial landlord tenant disputes, will contests, attorney malpractice defense, accounting malpractice defense, commercial foreclosures, and quiet title actions, his more than three decades of practice have taken him to many other areas of the law, in both state and federal courts, and even to the Supreme Court of the United States. In any type of matter in any venue, clients count on David to listen to their needs and protect their legal interests, in or out of the courtroom, while he also helps them mitigate the

Accounting Malpractice Defense

ADMISSIONS

Kentucky, 1986

EDUCATION

University of Louisville, Brandeis School of Law, J.D., 1986
Oxford University, Oxford England, Post-graduate Studies
Bellarmine College, B.A., 1983

- Major: History

disruption that legal issues may bring to their lives and businesses. Clients trust David because he values and prioritizes respect—for clients, for co-counselors, for the court, for opposing counsel, and for anyone else whom he may encounter. These values have been a constant for David throughout his career—and they have helped him to build a practice and reputation he is proud of.

CAPABILITIES, SUCCESSES, AND ASSIGNMENTS

- Represents both plaintiffs and defendants in commercial, personal injury and professional negligence cases in state and federal courts.
- Prosecutes and defends lawsuits involving real estate, personal injuries, wrongful death, insurance coverage disputes, claims of breach of fiduciary duty, professional negligence, estate and probate matters.
- Served as co-counsel in a jury trial for a lender liability dispute which lasted over six weeks and went all the way to the Supreme Court of the United States, resulting in a $6.8 million verdict for his clients.
- Resolved two lawsuits brought against school boards regarding the constitutionality of dress codes, successfully proving that both dress codes passed constitutional scrutiny.
- Obtained critical pretrial rulings which led to a satisfactory resolution for a cab company in a case that involved the death of four persons in a case in which the cab driver was intoxicated.
- Represented a global manufacturer in a lawsuit that upheld the constitutionality of the Kentucky Workers Compensation Act.

Published Cases:

- *Hanson v. American Nat'l Bank & Trust Co*., Ky., 865 S.W.2d 302 (Ky 1993), Kentucky Supreme Court, on remand from the Supreme Court of the United States, affirmed 6.8 million dollar judgment in a lender liability case.

- *McClain v. Dana Corp.*,16 S.W.3d 320 (Ky. App. 2000), upholding the constitutionality of the Kentucky Worker's Compensation Act and holding that the "discovery rule" did not extend the statute of limitations on product liability claims based on breach of warranty.
- *Hartford Ins. Co. v. Ky. Sch. Bd. Ins. Trust*, 17 S.W.3d 525 (Ky. App. 2000), affirming a declaratory judgment in favor of a general liability insurer on the grounds the injuries to a student crossing the road in front of a school bus were covered under an automobile policy.
- *McGinnis v. Taitano,* 3 F.Supp. 2d 767 (W.D. Ky. 1998), ruling that evidence of collateral source payments is not admissible at trial under German law.
- *Blau v. Fort Thomas Pub. Sch.*, 401 F.3d 381 (6th Cir. 2006), affirming the district court's ruling that a middle school dress code did not violate student's constitutional rights.
- *Brock v. Pilot Corp.*, 234 S.W.3d 381 (Ky. App. 2007), affirming the trial court's decision that mechanic's lien was defective and unenforceable.
- *Harvest Homebuilders, LLC v. Commonwealth Bank and Trust Company*, 310 S.W.3d 218 (Ky. App. 2010), affirming the trial court's decision that the bank did not breach its implied duty of good faith and fair dealing.
- *Woods v. Simpson*, 46 F 3d 21 (6th Cir, 1995), holding that a federal tax lien has priority over a state court child support judgment.
- *Brown v. Indiana Ins. Co.*, 184 SW 3d 528 (Ky. App. 2005), affirming Kentucky Court of Appeals' opinion in a declaratory judgment action that company's general liability policy did not cover employees' deaths.

Kentucky Leader

Parishioner of St. Albert the Great Church

Beech Spring Neighborhood Association, Member

Professional Activities

Louisville Bar Association, Board of Directors, 2011

Louisville Bar Foundation, Fellow, 2011

Kentucky Bar Association

News

IN THE MEDIA - Fifty McBrayer Attorneys Recognized by *Best Lawyers® for 2027*
August 20, 2026

Celebrating Excellence: 40 McBrayer Attorneys Recognized by Super Lawyers
December 16, 2025

McBrayer PLLC Achieves Record-Breaking Recognition in *Best Lawyers in America® 2026*
August 21, 2025

Leading the Way in Legal Excellence: 38 McBrayer Attorneys Honored in 2025 Super Lawyers and Rising Stars Lists
December 17, 2024

New Record Set: 51 McBrayer Attorneys Honored in Best Lawyers 2025
August 15, 2024

McBrayer Earns Record Number Named to Super Lawyers Lists for 2024
January 9, 2024

Another Record! 49 McBrayer Attorneys Named to Best Lawyers® 2024
August 17, 2023

McBrayer PLLC Sees Largest-Ever Expansion with Addition of Eight Former Middleton-Reutlinger Attorneys
December 30, 2022