



# Timothy Daniels

**ROLE**

PARTNER

**Phone**

(214) 939-2016

**FIELD OF PRACTICE**

BUSINESS LITIGATION

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CLASS ACTIONS

INSURANCE LITIGATION

## PRACTICE OVERVIEW

Mr. Daniels has handled the defense of numerous automotive, insurance, and consumer-related class actions in federal and state courts across the United States, including suits in Arkansas, California, New Jersey, New Mexico, New York, Michigan, Florida, Illinois, Louisiana, Massachusetts, Pennsylvania, Ohio, and Oklahoma. He has coordinated the defense of class actions pending in multiple jurisdictions, and has experience in consolidating cases through the MDL Rules.

Mr. Daniels has also prosecuted and defended lawsuits, both at the trial court and on appeal, involving various business disputes for clients involved in diverse industries, including non-compete agreements, claims by a major automobile manufacturer against suppliers, securities fraud involving technology companies, oil and gas lease disputes, and disputes involving commercial landlords and tenants.

Mr. Daniels has also handled a variety of life, health, and annuity matters for insurance clients including both individual and class cases. He has substantial experience in insurance matters involving complex, unusual, or novel issues. For example, he has represented clients in class cases involving health insurance rate setting, and in particular validating the actuarial process used in setting rates. Mr. Daniels' experience also extends to all aspects of HIPAA and ERISA litigation, including suits regarding pension and retirement plans.

His client service philosophy emphasizes responsiveness and a high degree of communication.

## HIGHLIGHTS

- Lead counsel *In re OnStar Contract Litigation*, pending in the Eastern District of Michigan, a consolidated action involving over 27 separate lawsuits in which certification of a class of approximately 1 million persons was sought on consumer protection act claims. Class certification was denied by the District Court. *See In re OnStar Contract Litigation*, 278 F.R.D. 352 (E.D. Mich. 2011), and leave to appeal under Rule 23(f) denied by the Sixth Circuit.
- *GMC v. Garza*, 179 S.W. 3d 76 (Tex. App. - San Antonio 2005), a class action involving the automotive industry, the San Antonio Court of Appeals reversed an order granting class certification. The case was one of the first appellate cases to address certification of an automotive class in which the alleged defect had actually manifested in some class members' vehicles. Class certification was also defeated in cases filed in 6 other states on same issue.

- Successfully defended an arbitration claim filed pursuant to Section 747 of the Consolidated Appropriations Act of 2010 by the largest Cadillac dealership in Houston.
- In *McNeil v. Time Ins. Co.*, 205 F. 3d 179 (5th Cir. 2000) cert. denied 531 U.S. 1191 (2001), briefed and argued a case of first impression regarding the applicability of the Americans with Disabilities Act to health insurance coverage, which resulted in a ruling that the ADA did not require coverage of disabilities to the same extent as every other condition.

## **PUBLICATIONS**

- Co-author, [Annual Survey of Texas Law – Texas Civil Procedure](#), SMU Law Review, 2017-2019
- Challenging Class Certification at the Pleading Stage: What Rule Should Govern and What Standard Should Apply, 56 S. Tex. L. Rev. 242 (Winter 2014)

## **EDUCATION**

JD, University of Texas, with honors, 1989

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BA, Colorado College, 1985

## **ADMITTED TO PRACTICE**

State of Texas; United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas; United States District Court for the Eastern District of Michigan; Fifth, Sixth and Third Circuit Court of Appeals; and United States Supreme Court. Mr. Daniels has also been admitted pro hac vice in state and federal courts in numerous states.