David R. Frye

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PRACTICE AREAS

Product Liability & Tort Litigation

Contaminants & Toxic Tort

Health Law

Litigation

INDUSTRIES

Health Care

Agribusiness & Food

COURT MEMBERSHIPS

- Missouri
- Kansas
- U.S. District Court for the District of Kansas
- U.S. District Court for the Western District of Missouri
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Tenth Circuit

For over two decades, David Frye has focused his practice in tort and commercial litigation. He has substantial experience defending lawsuits involving general personal injury, premises liability, automotive liability, toxic tort exposure and commercial litigation in both state and federal courts in Missouri and Kansas. He has served as first chair in several multimillion-dollar lawsuits, with a particular emphasis on defending claims alleging catastrophic injuries or wrongful death as well as claims seeking compensatory and punitive damages.

David also has significant litigation experience concerning restrictive covenants (e.g., non-competition and non-solicitation agreements) and has addressed the myriad legal issues that may arise from them. With a thorough understanding of his clients' businesses, he has drafted agreements that are carefully tailored to protect his clients' confidential information and their valued relationships with customers and employees. When the need arises, David moves quickly and effectively to secure appropriate relief for his clients, including temporary restraining orders and preliminary injunctions.

Representative Experience

- Reversal of a six-figure jury verdict in favor of an amusement park guest who was injured on a water slide. The Missouri Supreme Court held that the trial court instructed the jury on the wrong standard of care; it also reversed the trial court's decision to not submit the plaintiff's comparative fault to the jury. See *Chavez v. Cedar Fair, L.P.*, SC93658, 450 S.W.3d 291 (Mo. 2014).
- Successfully defended a toxic tort lawsuit brought against an industry leader in global animal nutrition solutions for livestock and pets. Plaintiffs alleged their dairy cow feed comprised of grain, corn

EDUCATION

Saint Louis University School of Law, J.D., 1996

- Participant, Moot Court I and Moot Court II
- Teaching Assistant, Moot Court
- Co-Chairman, Moot Court Board

University of Nebraska at Omaha, B.S.B.A., 1993

and steep water over a two year period had been contaminated with mycotoxins, resulting in a mycotoxicosis and the death of various cows. The defense contended it was not possible for toxins in the old grain mix to do what Plaintiffs had claimed, that mortality due to anything defective with the dairy cow feed was not a likely risk, and highlighted evidence of poor farm management developed after thorough fact investigation and expert analysis.

- Represented a national direct selling company in numerous temporary and permanent injunction hearings resulting in successful outcomes. Sought and received injunctive relief against former employees who were violating a non-solicitation covenant.

In The News

- Missouri Lawyers Media Recognizes 3 Lathrop GPM Attorneys in Their 2022 Up & Coming Awards
  October 10, 2022

News Releases

- Lathrop GPM Attorneys Named 2023 Missouri & Kansas Super Lawyers and Rising Stars
  December 11, 2023
- Eight Lathrop GPM Attorneys Named Lawyer of the Year, 89 Ranked as The Best Lawyers in America©
  August 17, 2023
- 14 Lathrop GPM LLP Practice Groups and 35 Attorneys Ranked in Chambers USA 2023
  June 1, 2023
- Lathrop GPM Attorneys Named 2022 Missouri & Kansas Super Lawyers and Rising Stars
  November 14, 2022
- Three Lathrop GPM Attorneys Honored in Missouri Lawyers Up & Coming Awards
  August 25, 2022
- Chambers USA 2022 Names Lathrop GPM a Top Law Firm, Franchise Group Ranked Nationwide
  June 1, 2022
- Missouri & Kansas Super Lawyers Recognizes 30 Lathrop GPM Attorneys
  November 16, 2021
- Chambers USA 2021 Names Lathrop GPM a Top Law Firm, Franchise Group Ranked Nationwide

May 20, 2021

- Missouri & Kansas Super Lawyers Recognizes 34 Lathrop GPM Attorneys
  November 16, 2020
- Missouri & Kansas Super Lawyers Recognizes 42 Lathrop Gage Attorneys
  November 13, 2019
- Super Lawyers Recognizes 47 Lathrop Gage Attorneys in Missouri and Kansas
  November 14, 2018
- Super Lawyers Recognizes 57 Attorneys from Lathrop Gage in Missouri and Kansas
  November 9, 2017
- Lathrop Gage Obtains Two Wins in One Day at Missouri Supreme Court
  November 21, 2014
- Super Lawyers Recognizes 71 Lathrop Gage Attorneys
  October 14, 2013
- Lathrop Gage Reverses Class Certification Decision in Ohio Appeals Court
  January 11, 2013
- 75 Lathrop Gage Attorneys Named Missouri & Kansas Super Lawyers
  October 15, 2012

Professional Affiliations

- Missouri Organization of Defense Lawyers
- The Missouri Bar
- Kansas Bar Association
- The Kansas City Metropolitan Bar Association
- Johnson County Bar Association
- KCMBA/YLS Ross T. Roberts Inn of Court - 2001-2002

Community Involvement

- Keep Kansas City Beautiful, an affiliate of Keep America Beautiful, Board Chair and Member, 2006-2010

Honors

- Selected among *The Best Lawyers in America*®, 2024
- *Chambers USA: America's Leading Lawyers for Business*, Missouri Litigation: General Commercial, 2021-2023
- *Missouri & Kansas Super Lawyers*, 2012-2023
- *Missouri Lawyers Media*, "Up & Coming Award," Mentor, 2022
- Litigation Counsel of America, Fellow