

David R. Mayo

Cleveland
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Overview

David represents independent contractors, brokers, and service providers in contract negotiations and litigation matters and disputes in the telecommunications industry. He also focuses his practice on a variety of business-related disputes, including financing, business contracts, commercial leases, commercial real estate disputes, commercial foreclosures, and general representation of institutional lenders and secured creditors.

David has experience in all phases of litigation, including trial, arbitration, alternative dispute resolution and appellate advocacy in state, district, federal and bankruptcy courts.

Representative Matters

- Represented a natural gas utility in defeating a $15 million foreclosure action brought by three counties arising from alleged pre-sale tax liabilities tied to a pipeline acquired from a receiver free and clear of prior obligations. After extensive briefing and oral argument, the Cuyahoga County Court ruled in the utility's favor, and the Eighth Appellate District affirmed, rejecting the counties' notice and property classification arguments. The decision established new Ohio precedent regarding the classification of natural gas pipelines as personal property and the impact of public utility tax liens on pipeline sales.
- Successfully represented equipment lessors, floor plan financing companies, banks, and others in countless replevin actions in both state and federal courts seeking to replevin and recover equipment and other personal property.

- Successfully represented a general contractor in a claim against a subcontractor to a significant arbitration award in Sacramento, California which involved a defective concrete floor poured in a warehouse in Sacramento, California.
- Successfully defended a real estate developer to a defense jury verdict on a claim of fraud brought against the real estate developer in connection with the developer's purchase of real estate.
- Represented banks and other institutional clients in numerous receivership proceedings in both state and federal courts.
- Successfully represented business owner to a defense jury verdict on a claim that the adverse party had an equity interest and a right to profits in the client's business.
- Represented banks and other institutional clients in numerous commercial foreclosure proceedings in both state and federal courts.
- Successfully defended a bank on a claim of lender liability brought in U.S. District Court which resulted in the Court's granting Bank's motion for summary judgment in a 40 page decision which denied the lender liability claim against the Bank and which entered a seven figure judgment against the party that brought the lender liability claim against the Bank

Credentials

EDUCATION

- Cleveland State University College of Law, 1976, J.D.
- Miami University, 1973, B.S.

BAR & COURT ADMISSIONS

- Ohio

Memberships

- Member, Ohio State Bar Association
- Member, Cleveland Metropolitan Bar Association

Awards & Recognition

- Listed, Ohio Super Lawyers 2012-2013, 2016-2019
- AV® Rated, Martindale-Hubbell Peer Review

News & Insights

- David Mayo quoted in Crain's Cleveland article regarding commercial docket
  October 30, 2023
- David Mayo quoted in Crain's Cleveland
  October 30, 2023 | Media Mentions
- 28 Benesch Attorneys Named 2019 Ohio Super Lawyers; 16 Named Ohio Rising Stars
  October 30, 2023 | Press Releases
- 22 Benesch Attorneys Named 2013 Ohio Super Lawyers
  October 30, 2023 | Press Releases