

# Tom Davis

## PARTNER

t: 919.783.2816

Tom regularly represents contractors, owners, and design professionals on construction-related, workplace safety, and licensing issues.



### OFFICE LOCATION

301 Fayetteville St., Suite 1900  
Raleigh, NC 27601  
P.O. Box 1801  
Raleigh, NC 27602

### JURISDICTIONS LICENSED

North Carolina, Supreme Court of the United States, US District Court for the Eastern District of NC, US District Court for the Middle District of NC, US District Court for the Western District of NC, US District Court for the Western District of Virginia, US Court of Appeals for the Fourth Circuit, US Court of Appeals for the Eleventh Circuit

*“I enjoy tackling legal issues that must be resolved before proceeding to trial. I find that success in a case is often determined before trial ever begins through the correct determination of these issues.”*

## BIOGRAPHY

Tom has more than 35 years of experience in mediating, arbitrating, and litigating complex commercial cases. He advises clients on construction contract negotiation, claims analysis and presentation, and OSHA disputes.

Prior to joining Poyner Spruill, Tom served as Assistant Attorney General with the North Carolina Department of Justice, Highway Division.

## AREAS OF FOCUS

## CONSTRUCTION

### Representative Cases

- *Enfield Timber, LLC v. C M Heavy Machinery* (Halifax County Superior Court, 2024)
  - Obtained a judgment for plaintiff on a breach of contract action related to the storage of materials
- *Eckerd Youth Alternatives, Inc. v. North Carolina Department of Administration, Division of Purchase and Contract* (2014)
  - Successfully represented plaintiff in the bid protest of an award by Public Safety Purchasing and Logistics
- *Royal Plus, Inc. v. FRS, Inc., et al* (Mecklenburg Superior Court, 2013)
  - Obtained \$500,000 settlement for plaintiff on a breach of contract for restoration services
- *North Carolina Department of Transportation Turnpike Authority v. G. G. Kelly et ux, et al* (Wake County Superior Court, 2010)
  - Served as Special Counsel to the Department in a successful action to condemn property needed for the Western Wake Expressway
- *North Carolina Department of Transportation v. Triangle Brick Co.* (Wake County Superior Court, 2005)
  - Obtained \$3.2 million settlement for client in a condemnation action
- *Traylor Brothers Construction Company v. North Carolina Department of Transportation* (Wake County Superior Court, 2002)
  - Obtained \$5.5 million settlement for client on a bridge construction project
- *Commissioner of Labor v. ABF Freight Systems, Inc.* (Wake County Superior Court, 2002)
  - Successful appeal of an adverse OSHA administrative decision regarding loading procedures resulting in savings to the client of \$1 million per year

## CREDENTIALS

### CERTIFICATIONS & SPECIALIZATIONS

Certified Superior Court Mediator and District Court Arbitrator

### EDUCATION

Wake Forest University School of Law, J.D.

North Carolina State University, B.A., *with Honors in History*

### NOTABLE ACCOMPLISHMENTS

[Amicus Curiae Award](#) (Friend of the Court), from the Supreme Court of N.C. (2019)

Recognized in The Best Lawyers in America® (Commercial Litigation) 2022-2025; (Construction Law) 2024-2025

Ranked among Law & Politics magazine's North Carolina "[Super Lawyers](#)," (Litigation) 2006 – 2008

Listed in Who's Who in American Law, 19th Edition

### PROFESSIONAL & COMMUNITY ACTIVITIES

North Carolina Supreme Court Historical Society, Chair of the Board of Trustees and Past President

Wake County Bar Association, Past President  
10th Judicial District Bar Association, Past President  
National Conference of Bar Presidents, Member  
Construction Lawyers Society of America, Charter Fellow  
Elder and Member of Session, White Memorial Presbyterian Church

**SELECTED SPEAKING & WRITING**

Author and Presenter, *OSHA'S at the Door – Now What?*, NC Bar Association, 2021  
“*When OSHA Visits: Responding to an OSHA Inspection*”, *Construction Commentary & Review*,  
March/April 2017  
Author, *Construction Law Settlement and Negotiation*, Aspatore Books, 2007  
Author, *Construction Contracts with North Carolina Department of Transportation*, 2004  
Contributing Editor, *North Carolina Administrative Law Guide*, Business Law Resources, Inc., 1996  
Supplement Editor, *Construction Litigation: Strategies and Techniques*, Wiley Law Publishing, 1993