

# Daniel L. Ferguson



Daniel Ferguson is the Managing Partner of Borton Petrini, LLP's San Bernardino Regional office. He started his legal career with Borton Petrini in 1980 and opened the San Bernardino office in 1989. During the first ten years of his practice, he worked closely with, and was mentored by Richard Hitchcock, longstanding partner of Borton Petrini, LLP, in the Bakersfield office (1925-2001). While working with Mr. Hitchcock, Dan specialized in defending public entities, including the City of Bakersfield, the County of Kern, and other municipalities throughout Kern County. In addition to defending public entities on tort claims, including dangerous condition of public property cases, Dan also handled a wide variety of casualty defense cases, specializing in the defense of catastrophic injury and head injury cases.

In one of his early trial successes, Dan successfully defended the County of Kern in a high profile and difficult brain damage case. During his early trial successes, Dan received invaluable guidance from his father, former Kern County Superior Court Judge, Marvin Ferguson (1926-1993).

Since opening and successfully managing the Firm's San Bernardino office, Dan has litigated several landmark cases in San Bernardino County. In 1992, he was involved in a record setting wrongful death case. In 1996, he received statewide publicity in his successful defense of a brain damage case, due to the novel legal theory used at trial. In 1999, he was involved in a health care insurance bad faith case that was the largest verdict of its kind in the nation. In the latter case, he was successful on appeal regarding his phase of the case and made law in the published decision, *Aetna Health Plans of California, Inc. v. Yucaipa-Calimesa Joint Unified School District* (1999) 72 Cal. App.4th 1175.

In addition to his accomplishments as a litigator, Dan is a successful appellate attorney. His record of appellate wins is far above the statewide average. His cases have made law in several areas. In the area of real estate law, the case of *Saunders v. Taylor* (1996) 42 Cal.App.4th 1538, is a frequently cited case clarifying the law on the measure of damages in cases involving fraud in the sale of real property. Other precedent setting cases of Mr. Ferguson are in the areas of public entity liability law, *Seibert Security Services, Inc. v. Superior Court* (emergency personnel liability) and *Zeilman v. County of Kern* (governmental immunity).

Not only is Dan an experienced trial attorney in the areas of public entity law and catastrophic injury cases, he has substantial expertise in the field of insurance coverage and bad faith insurance defense. He has prepared hundreds of insurance coverage opinions in the areas of commercial general liability and personal lines coverage. In addition, he has successfully litigated several insurance bad faith cases.

In the last 10 years of his practice, Mr. Ferguson has developed a subspecialty expertise in handling labor and employment law cases, which include wrongful termination cases, wage and hour cases before the Labor Commissioner, as well as discrimination and sexual harassment cases. Presently about 50% of Dan's practice is devoted to labor and employment cases.

Another current focus of Mr. Ferguson's practice is general business law and commercial litigation. He serves as general counsel for several business owners and litigates contract cases, commercial lease cases, cases involving the purchase and sale of real property, trade secret, and unfair business practice cases.

## Education:

- California State College at Northridge, B.A., 1977
- University of California, Hastings College of Law, J.D., 1980

## Admitted:

- State Bar of California, 1981
- U.S. District Court, District of California, 1990

## Business and Professional Associations:

- BV® Rated Martindale Hubbell
- Corporate Counsel, Southern California Schools Risk Management
- Member BNI San Bernardino Business Elite
- Board Member, Building A Generation, Redlands, California.
- Board Member, Colton Police Activities League, Colton, California

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