

# Daniel L. Ferguson

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Daniel Ferguson is the Managing Partner in the San Bernardino office of Borton Petrini, LLP. Dan joined the Firm in 1980 after receiving his J.D. degree from Hastings College of Law. Dan specializes in handling employment law cases, business and contract matters, insurance coverage and bad faith defense and defense of suits involving claims of professional negligence.

Dan has led Borton Petrini, LLP's Insurance Coverage Section for many years. He has lectured on many aspects of insurance coverage, and insurance bad faith liability. He has assisted with drafting memorandums

of coverage for self-insured public entities and regularly advises insurance companies on insurance coverage issues involving auto, CGL, EPLI, health care and professional liability insurance policies.

In addition to providing coverage opinions for insurance companies, Dan's expertise includes obtaining insurance coverage determinations in declaratory relief insurance coverage actions in both federal and state court.

Dan is also a trial attorney and has significant experience in defending insurance companies in bad faith liability actions. One of his significant accomplishments in this field includes successfully defending the excess carrier in the renowned case of *Aetna v. Yucaipa-Calimesa Joint Unified School District*. Dan extricated his client from the case prior to trial. The verdict after trial against the primary carrier is one of the largest bad faith verdicts in U.S. history. Dan's success in this case is memorialized in the Fourth District Appellate Court case of *Aetna Health Plans of California, Inc. v. Yucaipa- Calimesa Joint Unified School District* (1999) 72 Cal. App.4th 1175.

A number of Dan's cases have set legal precedent upon writ or appeal, including: *Saunders v. Taylor* (1996) 42 Cal.App.4th 1538, which involved real estate sales measure of damages; *Seibert Security Services, Inc. v. Superior Court* (1993) 18 Cal.App.4th 294, which involved the "fireman's rule;" and *Zeilman v. County of Kern* (1985) 168 Cal.App.3d 1174, which involved prisoner immunity.

Dan is a frequent speaker for various business organizations on employment and insurance issues. He also authors articles for California Defense magazine covering such issues as real estate insurance and rules of evidence to name a few.

Dan is a member of the State Bar of California and the San Bernardino County Bar Association. He devotes time to community charitable organizations and enjoys time away from his busy practice volunteering his time at the YMCA and assisting as a coach in his children's athletic endeavors.

## 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

## Business and Professional Associations:

- San Bernardino County Bar Association
- YMCA, Volunteer

## Publications:

- *California Defense* magazine, Contributing Columnist

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