



→ Charles A. Danaher

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Charles Danaher is a partner in the firm's Insurance Practice Group, which is recognized by *Chambers USA*. Charles primarily represents insurance companies that are sued for bad faith, fraud and unfair competition. His clients include Allstate Insurance Companies, State Farm Insurance Companies, Kemper Insurance Companies, Farmers Insurance Exchange, Infinity Insurance Company, Auto Club of So. Cal, Wawanesa Insurance, CSAA, and Loya Insurance Group. While the focus of his practice is in California, Charles has represented insurance company clients in Wyoming, West Virginia, Mississippi, Nevada, Florida, Montana, Indiana, Missouri, Alaska, Maryland, Arkansas, Oregon, Georgia, Arizona, Colorado, Ohio and Alabama.

Charles serves as lead counsel in numerous class actions filed against his insurance company clients. He has successfully defended class actions involving such issues as the payment of overhead and profit, lessor liability coverage, the payment of sales tax, the manner in which actual cash value is determined, whether coverage exists for innocent co-insureds, issues involving med-pay coverage, and allegations of premium overcharging. He recently defeated a class action alleging that insurance companies engage in the unauthorized practice of law by using lay adjusters to contest and pursue inter-insurance arbitration claims. Charles also received two favorable published decisions rejecting the argument that auto liability policies cover third-party claims for inherent diminished value damages. The issue was one of first impression in the country.

Together with the members of his practice group, Charles was one of the first attorneys in California to successfully advocate the "genuine dispute" defense. Today, this defense is considered to be the most important and viable defense available for an insurance company that has been sued for bad faith.

Charles was the first attorney to prevail in a California Covid-19 premium refund class action, successfully arguing for dismissal in *Torrez v. Infinity* (C.D. Cal) and *Shively v. Wawanesa* (Los Angeles Superior Court Complex Litigation Department).

Charles has been appointed by Kemper Insurance as national coordinating counsel for bad faith claims against the company. Charles is also Infinity Insurance Company's national coordinating counsel for third-party diminished value claims.

He also represents the Unum Group in actions and disputes involving individual disability policies across the country.

Charles and his partner Ronald Getchey have been appointed as coordinating counsel by Allstate Insurance Company to direct its defense of lead paint litigation pending against the company's insureds. He recently co-authored the brief that persuaded Maryland's highest court to adopt the *Joiner* analytical gap standard when evaluating expert testimony under Rule 702. *Rochkind v. Stevenson*, 454 Md. 277, 164 A.3d 254 (2017) (*Rochkind*

l). In August 2020, Charles authored the briefs that convinced Maryland's highest Court to adopt the *Daubert* test, and reject the *Frye* test, for admitting and reviewing expert testimony. *Rochkind v. Stevenson*, 471 Md. 1 (2020) (*Rochkind II*). *Rochkind II* is considered to be a landmark decision in Maryland.

Charles was also the primary author of the brief in *Allstate Ins. Co. v. Miller*, 125 Nev. 300, 212 P.3d 318 (2009), in which he convinced the Nevada Supreme Court to adopt California's "genuine dispute" doctrine in both first- and third-party bad faith cases.

He successfully represented Dole Food, Inc. in several consumer class actions challenging Dole's labeling practices and issues involving Dole's leases with third-parties. Charles also represents Frontier Communications in both class action and consumer litigation across the country.

Charles has obtained numerous published decisions from state and federal courts on significant issues affecting the insurance industry.

Honors

CSAA Litigation MVP, 2023

Martindale-Hubbell® AV Rating

San Diego Super Lawyers, 2007-2019 (Insurance)

Southern California Super Lawyers, 2007-2020 (Insurance)

Lawyer of the Year (Insurance), *Best Lawyers*, 2021 - 2022

The Best Lawyers in America, 2007-2018, 2022-2024 (Insurance Law, Commercial Litigation)

San Diego Magazine: Best Lawyers in San Diego, 2007-2019(Insurance)

Super Lawyers: Business Edition, 2011-2013 (Insurance)

Corporate Counsel Magazine, 2010 Best Lawyers Annual Guide to Insurance Law

Super Lawyers: Corporate Counsel, 2010 (Insurance)

Co-Counsel for *Du v. Deerbrook Insurance Co.*, Selected by the *Los Angeles Daily Journal* as one of the Top Verdicts of 2010

Experience

- *Du v. Deerbrook* - Defended Deerbrook in a jury trial. Plaintiff alleged that Deerbrook refused to settle a claim against its insured for the policy's \$100,000 limits. Because the claim was not settled, the insured was ultimately found liable for a \$5 million judgment. Deerbrook was sued for the amount of the judgment based on a "bad faith refusal to settle" theory. Defense verdict. This case was selected by the *Daily Journal* as a "Top Defense Verdict" for 2010.
- *Kelpe et al. v. Unum Group et al* - Defended Unum Group and Provident Life & Accident Insurance Company in a jury trial. Plaintiff asserted claims against Unum Group and Provident Life & Accident Insurance Company for breach of contract, bad faith and punitive damages arising out of the denial of a disability claim. Defense verdict. The jury returned a unanimous verdict (12-0) in favor of the defendants on all claims. This case was selected by the *Daily Journal* as a "Top Defense Verdict" for 2022.

Articles

- 2023 Insurance Team Year-In-Review
04.03.2024
- Auto Insurers Should Reassess Calif. Diminished Value Claims
Law360, 09.20.2023
- Sheppard Mullin Celebrates Stellar Year in Insurance Litigation
03.30.2023
- *Stevenson v. Rochkind*: Out of the Frye-ing pan
Maryland Daily Record, 07.26.2017
- Court does a *Du-Over* in bad faith failure to settle case
Daily Journal, 10.11.2012
- The Day After *Hanif/Nishihama* Is Overruled
09.09.2010
- Court Finds Coverage for Intentional Acts of 'An Insured' Under Severability Clause
06.17.2010

Insurance Law Blog Posts

- "The Tide Shifts in California Covid Premium Refund Cases," October 25, 2023
- "Are Third-Party Diminished Value Damages Claims Covered in California?," August 30, 2023

Media Mentions

Insurer Prevails In Calif. Driver's COVID Premium Suit
Law360, 08.23.2023

Litigation Leaders: Sheppard Mullin's Robert Friedman on Splitting Leadership of the Business Trial Group Three Ways
ALM, 08.03.2023

Sheppard Mullin Takes In 10 McKenna Attys In Calif.
Law360, 04.07.2014

Speaking Engagements

"A Humorous Look at Litigating a Bad Faith Lawsuit," Luce Forward Insurance Litigation Seminar, Los Angeles, October 14, 2010

Practices

Litigation

Class Action Defense

Insurance

Industries

Insurance

Education

J.D., Harvard University, 1989, *cum laude*

B.A., Rutgers College, 1986, *summa cum laude*

Admissions

California

Maryland