

## Dan S. Miller

### Partner



[dmiller@millerbarondess.com](mailto:dmiller@millerbarondess.com)

310.552.5230

#### Education

J.D., University of California, Berkeley, School of Law

B.A., *summa cum laude*, Phi Beta Kappa, University of California, Los Angeles

#### Admissions

California

#### Biography

Dan Miller is a founding member of the firm. His success as a trial lawyer has been recognized by the Daily Journal which named him one of the [Top 20 Lawyers Under 40](#) in the State of California. Dan is recognized in the areas of Commercial Litigation and Litigation – Real Estate by [Best Lawyers in America](#)<sup>®</sup>. L.A. Times B2B Publishing recognized Dan as a “Visionary” in *Banking & Finance* magazine (March 2024) and a “Visionary” in *Commercial Real Estate* magazine (May 2024). In 2022, he was named among *Los Angeles Business Journal’s* [Leaders of Influence: Litigators and Trial Attorneys](#), and in 2021, he was named among [Leaders of Influence: Thriving in Their 40’s](#) and [Leaders in Law – Top 5 in Litigation](#). Dan honed his skills as a trial lawyer with training from his father, acclaimed trial attorney Skip Miller. Dan has been to trial or arbitration on over fifteen cases and has litigated cases all over the country, including in New York, Delaware, Washington, D.C., Florida, Nevada, and South Carolina.

Dan has extensive experience in the banking and private equity sectors. He has represented a prominent private equity firm in several cases involving mergers and acquisitions and other financing transactions. Dan has represented some of the leading investment banks in the world and two of the largest publicly traded banks in California. Dan also represented one of the leading venture capital firms in Los Angeles and several early-stage companies.

In sports, Dan represented an NFL head coach in an arbitration in front of Commissioner Roger Goodell. He has also represented witnesses in confidential NBA internal investigations and NBA players in litigation matters. And Dan represents one of the leading NBA sports agents in the country. Dan also has experience in entertainment, having litigated several cases on behalf of a leading artist management company and a prominent movie studio. Dan has represented talent including Sean Connery, Rod Stewart, and a successful television producer.

In addition to his business practice, Dan also has pro bono experience, including obtaining over \$3 million from the federal government on behalf of a client who lost a family member in the September 11th tragedy.

Dan received his Juris Doctorate from the University of California, Berkeley School of Law, in 2001. He graduated from UCLA, *summa cum laude* and Phi Beta Kappa, with a Bachelor's Degree in Psychology.

## Notable Representations

- Won over \$11 million on behalf of an affiliate of The Gores Group (a Los Angeles–based global private equity firm) for breach of a reseller agreement in international arbitration against two telecommunication companies and their parent company based in Lebanon. The award included the entire amount of damages sought under the contract plus interest and attorneys' fees. Respondents' counterclaim for in excess of \$25 million was rejected in its entirety. The dispute involved complex issues of international law and bankruptcy. The Arbitrator also addressed issues relating to whether the parent company was released and/or a novation took place—ultimately determining that the parent company was not released, there was no novation, and the parent was on the hook for the entire award. The case was litigated in front of the International Centre for Dispute Resolution, the international division of the American Arbitration Association. [\[Read the Award\]](#) [\[Daily Journal Article\]](#)
- Obtained a settlement of in excess of \$20 million on behalf of The Gores Group in a case against Fifth and Pacific Companies, formerly known as Liz Claiborne, in the Southern District of New York regarding breach of a merger agreement. The settlement was an unqualified victory for the client.
- Represented Cathay Bank when it was sued by a borrower for several million dollars for fraud/breach of contract. Dan obtained summary judgment on all of the borrower's claims and also obtained summary judgment on the bank's counter claim for breach of the loan agreement. The bank was awarded all principal and interest on the loan and over \$1 million in attorneys' fees. [\[Read the Award\]](#) [\[Daily Journal Article\]](#)
- Secured a \$3 million settlement in an excessive force police shooting case against the San Diego Police Department on the eve of trial. [\[The San Diego Union-Tribune 2021 Article\]](#). The settlement was precipitated by Dan's victory in a published 9th Circuit Court of Appeal decision reversing the grant of summary judgment. [\[Read the 9th Circuit Opinion\]](#) [\[The San Diego Union-Tribune 2019 Article\]](#). Dan argued the appeal to the 9th Circuit Court and was the lead trial lawyer on the case.
- Represented a real estate developer who was unable to sell the requisite number of condominium units resulting in a default under the loan agreement. Facing an imminent foreclosure sale, Dan obtained a preliminary injunction preventing the lender from foreclosing on a large condominium project based on impossibility of performance due to the economic crisis. [\[Thomson Reuters Report\]](#). This victory was reported on in the media as relevant to claims of impossibility of performance and frustration of purpose that have emanated from the pandemic. [\[Dan Miller and Amnon Siegel obtain victories based on equitable doctrines applicable to current pandemic\]](#).
- In an action for age discrimination, age-based harassment, and constructive discharge, Dan obtained a multi-million dollar award on behalf of a former attorney who sued one of the top law firms in the country. The award included punitive damages and a six figure sanction for intentional spoliation of evidence after a four-week arbitration. The defendant was found to have intentionally withheld a smoking gun memo that indicated a pattern of discrimination and harassment which was covered up by the law firm for years. The plaintiff was also awarded all of his attorneys' fees.
- Won a \$4.6 million dollar award for breach of a partnership agreement after a two-week arbitration. In this case against Skip Miller's prior firm – Glaser Weil – Miller prevailed on all three of his claims. Glaser

Weil's frivolous counterclaims were rejected and they recovered nothing. This was an unqualified victory. [\[Daily Journal Article\]](#)

- Represented a group of franchisees against one of the largest franchisors in the world and obtained an eight-figure settlement on the eve of trial.
- Obtained a complete defense verdict after a Court trial on a \$30 million claim in a real estate partnership dispute involving multiple mixed-use development projects.
- Obtained a settlement of over \$18 million in a dispute over breach of a stock purchase agreement in a case litigated in the Delaware Court of Chancery.
- In a case for a land developer client, obtained a complete dismissal on summary judgment of a \$4 million finder's fee claim in connection with the purchase of a \$200 million ocean-front mixed use development project.
- Obtained over \$3 million in settlements from the City of Los Angeles on behalf of victims of sexual assault by former LAPD officers. [\[LA Times 2019 Article\]](#) [\[LA Times 2016 Article\]](#). The former officers were using their badge to assault vulnerable women under color of law. They were both sentenced to 25 years in prison.
- Successfully defended a prominent artist management company in a multi-million dollar lawsuit for invasion of privacy, sexual harassment, and unfair competition. The artist management company paid the plaintiff no money under the settlement.
- Successfully defended Rod Stewart in a copyright infringement action in the Central District of California.

## Honors and Awards

- Best Lawyers in America<sup>®</sup> (Commercial Litigation and Litigation – Real Estate) 2024
- L.A. Times B2B Publishing ("Visionary," *Commercial Real Estate* magazine) May 2024
- L.A. Times B2B Publishing ("Visionary," *Banking & Finance* magazine) March 2024
- Los Angeles Business Journal  
Leaders of Influence: Litigators and Trial Attorneys 2022  
Leaders of Influence: Thriving in Their 40's 2021  
Leaders in Law: Top 5 in Litigation 2021
- Daily Journal  
Top 20 Lawyers Under 40 (2011)

## Professional Activities

- Guest lecturer (over 14 years) at UCLA for an undergraduate business law class. Topics covered include case studies, current litigation matters, law school application process, law school, taking the BAR, and Dan's career practicing law at Latham & Watkins and Miller Barondess.
- Active in the alumni network for UC Berkeley, including having served as a mentor for law students in 2020/2021.

- Active in the Harvard-Westlake Alumni Association (where Dan attended high school). Volunteers as a mentor for students interested in careers in law.
- Supports multiple local charities, including Children's Hospital of Los Angeles, Tower Cancer Research, Goodwill Southern California, the Salvation Army, Los Angeles Rams Kickoff for Charity, and The Eclipse School (a developmental learning school emphasizing language and literacy).