



Daven G. Lowhurst

Partner

Daven Lowhurst is a member of Howrey LLP's Global Litigation Group. He has a broad civil trial and appellate practice, as well as extensive experience in alternative dispute resolution. He focuses on disputes involving insurance coverage and recoveries, contractual relations, construction projects, commercial landlord-tenant relations, and products liability and warranty claims.

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ADMISSIONS

California

EDUCATION

University of California, Hastings College of the Law (JD, 1986), *cum laude*. Hastings 1066
Foundation Award for Scholarly Journalism

Comm/Ent Law Journal, Editor (1985-86)

University of California - Santa Barbara (BA, 1983), *summa cum laude*. Omicron Delta Epsilon
National Honor Society in Economics; Senior Honors Program, Department of Economics

Mr. Lowhurst has represented clients with interests throughout the world. His clients have spanned a variety of sectors such as technology, wind energy, solar energy, oil, manufacturing and commercial landlords.

Mr. Lowhurst has handled numerous appeals resulting in multiple published decisions in favor of his clients in the California Supreme Court and Courts of Appeal. He also serves as an arbitrator and mediator for several courts and bar associations.

Mr. Lowhurst has been repeatedly recognized as a Northern California "Super Lawyer" in both commercial litigation and construction.

REPRESENTATIVE MATTERS

- *Commercial and Product Liability Representation.* Prosecuted and defended commercial and product-liability claims on behalf of Fortune 100 and 500 companies, including a manufacturer of data storage devices and a construction-materials manufacturer. Obtained an eight-figure recovery for an energy company in a price-fixing action. Obtained a \$16 million breach-of-contract judgment against a multi-billion dollar REIT.
- *Insurance Recovery Representation.* Obtained more than \$50 million in insurance benefits for a large manufacturing company. Provided insurance coverage advice and pursued coverage and bad faith claims on behalf of some of the largest construction and manufacturing companies in the world.
- *Construction Related Claims.* Pursued and defended construction-related claims for numerous owners, contractors, and subcontractors. Obtained more than \$20 million in recoveries for a national home builder.
- *Commercial Real Estate Representation.* Prosecuted and defended numerous commercial landlord-tenant and real estate disputes on

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behalf of a wide variety of clients.

- *Appellate Representation.* Succeeded in overturning an \$18 million trial court judgment for compensatory and punitive damages which, prior to the appeal, had been selected as one of the top 25 jury verdicts in California.

PROFESSIONAL AFFILIATIONS

- Alameda County Bar Association
- Bar Association of San Francisco

COMMUNITY SERVICE

- Manager, Oakland Lawyer in the Library Program
- Member, Board of Directors, East Bay Community Law Center

PUBLICATIONS & SPEAKING ENGAGEMENTS

ARTICLES

"The Federal Insurance Program For Terrorist Acts: How It Works And A Look At The Open Issues." *California Constructor* Vol. 33, No. 7 (July 2003).

"Be Careful What You Wish For: The Insurer's Right To Settle Your Case Without Your Consent." *www.ConstructionWebLinks.com* (April 14, 2003).

"California Supreme Court Imposes Strict Liability On Defective Components Installed In Tract Homes." *www.ConstructionWebLinks.com* (December 16, 2002).

"Preventing a Buss or Aerojet Crash: How to Avoid Being Sued by Your Insurer For Reimbursement Of Defense Costs." *www.ConstructionWebLinks.com* (April 9, 2001).

"Construction Defects Litigation: Hot Topics." *CEB/State Bar Real Property Law Section* (October 16, 1998).

"Reimbursement Disputes Can Be Avoided." *Business Insurance* Vol. 32, No. 38 (September 21, 1998).

"The Crime-Fraud Exception to the Attorney-Client Privilege and Work Product Doctrine." *California Litigation Journal* Vol. 6, No. 3 (Spring 1993).

"When Is An Attorney Not An Attorney? Privilege And Work Product Problems For Corporate Attorneys Wearing Many Hats." *CEB Cal. Business Law Practitioner* Vol. V, No. 1 (Winter 1990).

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"Damage Control Investigations." *CEB Cal. Business Law Practitioner*
Vol. IV, No. 4 (Fall 1989).

BOOKS

California Insurance Law and Practice Publication Enhanced.
Matthew Bender (2010). Chapter entitled, "Insurance Issues Involving
Construction Liability" Co-authored with Douglas Gastelum, Stephen
V. Masterson.