



DANIEL W. VAN HORN

Memphis Office

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Danny is an experienced, aggressive and solutions-oriented trial attorney in complex commercial matters, including matters in highly regulated industries. He has fought for clients obtaining successful verdicts in disputes concerning breach of contract, closely held businesses, unfair competition, construction, intellectual property and real estate related cases.

ABOUT DANNY

Danny Van Horn is an experienced trial attorney and litigator in complex commercial matters. He has obtained successful verdicts and arbitration awards for clients in unfair business practices, breaches of contract, intellectual property disputes, real estate litigation and insurance coverage cases, as well as disputes concerning closely held and highly regulated businesses.

Danny regularly tries cases and arbitrations in Tennessee, Arkansas and Mississippi. He has tried an arbitration or case in 16 states and three foreign countries. He is known as a practical problem solver who has a keen sense of a client's ultimate business objective and keeps that in focus throughout the life of the case.

Danny is AV[®]-Preeminent[™] Peer Review rated by *Martindale-Hubbell*[®], and his work has been recognized by *The Best Lawyers in America*[®] in Commercial Litigation and Banking and Finance Litigation and *Mid-South Super Lawyers*[®]. In 2020, Danny was named to the *Memphis Business Journal's* Best of the Bar. He has served in leadership roles for the American Bar Association (Chair of the Section of Litigation 2022-2023) and Tennessee Bar Association (President 2011-2012). Danny has been recognized as a National Outstanding Eagle Scout.

In 2020, Danny authored an article for *Law360*: "Tenn. Ruling Has Broad Relevance to Damages Caps in State," (*Law360*, March 9, 2020). He has been a frequent presenter on "Ethics for In House Counsel" and Tennessee law on covenants not to compete, trade secrets, and fiduciary duties.

Danny obtained his J.D. from Vanderbilt University and is admitted to the State Bars of Arkansas, Mississippi, and Tennessee, the U.S. District Courts for the Eastern, Middle and Western Districts of Tennessee, Northern and Southern Districts of Mississippi, Eastern and Western Districts of Arkansas, and the U.S. Court of Appeals for the Fifth, Sixth and Eighth Circuits.

PRACTICE AREAS AND INDUSTRY TEAMS

- Commercial Litigation
- Business Torts and Unfair Competition
- Intellectual Property Litigation
- Pharmaceutical, Medical Device and Healthcare

EXPERIENCE

- Successfully won an appeal of an administrative hearing before the Arkansas Insurance Department concerning the meaning and application of Arkansas law to reimbursements for services provided by ambulatory surgery centers. *Freeway Surgery Center et al. v. Commissioner McClain and Arkansas Blue Cross Blue Shield*, Number 60CV-21-2725, Pulaski County, AR Circuit Court, December 2021.
- Obtained an arbitration award in favor of our client for breach of a distributor agreement and purchase and sale agreement for a California medical device distributor. *MicroPort OrthoPedics, Inc. v. Advanced Surgical Devices and William Zurowski*, AAA Arbitration Matter Number 01-18-0002-8914. Memphis, TN. November 2019.
- Tried a commercial breach of lease case to a successful conclusion involving the lease of a movie theater and whether the option to renew the lease had or had not been timely exercised. *Malco Stage Road, LLC v. Overton Square, LLC and Loeb Properties, Inc.*, CH-15-0001-1, Shelby County, TN Chancery Court, 2018
- Won a complete dismissal of all claims against a client in a tortious interference case concerning termination of a dealership. *ICM of America, Inc. v. Leica Geosystems, Inc. et al.*, 4:16-cv-00160 (E.D. Ark. 2017).
- Successfully resolved a dispute concerning ownership of a closely held business. *Jones v. Murphy*, CH-13-1542 (Shelby County, TN Chancery Court, 2016).
- Won defense verdict in a trade secrets/breach of confidentiality agreement case in federal court in Houston, TX. *Tendeka, Inc. v. Elite Elastomers, Inc.*, Civil Action No. 4:13-cv-01764 (S.D. TX, 2016).
- Won commercial arbitration related to breach of commission agreement for sale of apartment complex. *Marcus & Millichap Real Estate Investment Services, Inc. v. Burkhalter-Vestal, LLC*, AAA Arbitration, Little Rock, AR, June 2015.
- Tried bad faith insurance coverage claim to verdict. *Lindenberg v. Jackson National Life Insurance Co.*, Civil Action No. 2:13-cv-02657 JPM (W.D. Tenn., December, 2014).
- Obtained an arbitration award in favor of our client on alleged breach of warranty claim related to an IPTV system worth hundreds of thousands of dollars including significant claimed consequential damages. *Power & Telephone Supply Company v. Dumont Telephone Company*, AAA Arbitration, April 2014.
- Won defense verdict in Chattanooga, TN construction arbitration. *Nixon v. B & W and Rogers Manufacturing Corp.*, AAA Arbitration.

- Won commercial plaintiff's jury verdict in unfair business practices case in Arkansas. *Curtis Lumber Company, Inc. v. Louisiana Pacific Corporation*, Civil Action No. 2:08-cv-1007 (E.D. Ark.).
- Won favorable award in a breach of contract arbitration in San Antonio, TX concerning a hospital lease. *HR Acquisition of San Antonio v Behavioral Health Systems*, in private arbitration.
- Won defense verdict in a supplier breach of contract case in Memphis, TN. *Mechanics Laundry v. McKesson*, Civil Action No. 08-2256.
- Won summary judgment for a lessee in a commercial finance lease case concerning energy monitoring equipment. *Gaia Leasing v. Wendelta*, Civil Action No. 09-1067 (D. Minn.).
- Experienced in commercial disputes including those involving breach of contract and usurpation of corporate opportunities including representation of a national professional management company with arbitration disputes in Ohio, Washington, D.C., Georgia, Florida and Puerto Rico.
- Experienced litigating franchise and distribution disputes including representation of a distributor of cottonseed in an international arbitration concerning distribution of cottonseed in Greece, Bulgaria, Turkey and Spain.
- Experienced with insurance coverage disputes including representation of insurance companies in officers and directors liability disputes.
- Experienced in disputes concerning ownership or control of closely held businesses.
- Experienced in cases involving unfair competition including trade secrets, trademarks, breaches of the duty of loyalty, tortious interference and unfair or deceptive acts or practices.

BAR ADMISSIONS

- Arkansas, 2007
- Mississippi, 2006
- Tennessee, 1997
- U.S. District Courts
 - Tennessee: Eastern, Middle, Western
 - Mississippi: Northern, Southern
 - Arkansas: Eastern, Western
 - Colorado: District of Colorado
- U.S. Courts of Appeals
 - 5th Circuit
 - 6th Circuit
 - 8th Circuit

DISTINCTIONS

- *Best Lawyers in America*®
 - Commercial Litigation, 2011-2022
 - Banking and Finance Litigation, 2011-2022
- *Martindale-Hubbell*®
 - AV® - Preeminent™ Peer Review Rated, 2009-2021
- *Super Lawyers*®
 - Mid-South Super Lawyers, Business Litigation, 2007-2008, 2011-2021
 - Top 50 – Memphis Super Lawyers, 2013-2014
 - Top 100 – Tennessee Super Lawyers, 2013-2014
- Best of the Bar, *Memphis Business Journal*, 2020
- Pro Bono Service Award, Memphis Area Legal Services, 2006
- Star of the Year Award, American Bar Association, Young Lawyers' Division, 2005, 2007
- Top 40 Under 40, *Memphis Business Journal*, 2003
- President's Award, Tennessee Bar Association, Young Lawyers Division, 2002
- Board of Advisors, Memphis Regional Chamber of Commerce
- Fellow, Memphis Bar Foundation
- Fellow, Tennessee Bar Foundation
- Fellow, American Bar Foundation, Tennessee State Chair
- Eagle Scout, 1987

ASSOCIATIONS

- American Bar Association
 - Fellow
 - Litigation Section
 - Chair, 2022-2023
 - Revenue Officer, 2016-2018
 - Co-Chair Diversity and Inclusion, 2014-2016
 - Managing Director, 2013-2014
 - Standing Committee on Membership
 - Chair, 2013-2016
 - House of Delegates, 2007-Present
 - Young Lawyers Division
 - Assembly Speaker, 2005-2007
- Arkansas Bar Association
- Tennessee Bar Association
 - Fellow
 - President, 2011-2012
 - Board of Governors, 2004
 - CLE and Membership Committees
 - Young Lawyers Division
 - President, 2005-2006
- Mississippi Bar Association
- Memphis Bar Association
 - Access to Justice Committee
- Chickasaw Council, Boy Scouts of America
 - Council President, 2017- 2019

EDUCATION & HONORS

- Vanderbilt University, J.D., 1997
Moot Court Board
- University of Tennessee, B.S., Business Administration, *summa cum laude*, 1994

PAPERS, PRESENTATIONS & PUBLICATIONS

- Author, "Tenn. Ruling Has Broad Relevance To Damages Caps In State," *Law360*, March 9, 2020.
- Presenter, "Ethical Issues for In House Counsel", seminar, November 2016
- Presenter, "Ethical Issues for In House Counsel", seminar, November 2015
- Presenter, "Corporate Divorce, Disputes Between Business Owners", seminar, March 2015
- Presenter, "Covenants Not to Compete", seminar, December 2014
- Presenter, "Lessons From Watergate: Ethical Obligations for Lawyers", presentation, September 2014
- Presenter, "Trade Secrets 2014 Update", seminar, October 2014
- Co-Presenter, "Covenants Not to Compete: Overview and Drafting Tips for Tennessee Attorneys," webinar, August 2013.
- Author, "Picking Judges: Existing System Has Served Tennesseans Well", *Chattanooga*, Sunday, February 19, 2012.
- Author, "Business Gets a Big Boost in the 2011 Legislative Session," *Memphis Business Journal*, 2011.
- Co-Author, "Recession Triggers Increased Risk of Employee Trade Secret Theft," *Pointe Innovation*, 2011.
- Author, "It Adds Up: Class Action Residual Funds Support Pro Bono Efforts," *Tennessee Bar Journal*, March 2009.
- Co-Author, "Tennessee Law Protects both Consumers, Businesses from Unfair Practices," *Memphis Business Journal*, June 13, 2008.
- Author, "Theoretical Reverse Engineering," ABA Section of Litigation *Business Torts Journal*, Spring 2008.
- Author, "Preserving Electronic Evidence: How Closely Should a Tennessee Court Follow Zubulake?" *Tennessee Bar Journal*, April 2005.

- Author, “The Constitutional Limits of Punitive Damages: The U.S. Supreme Court's Punitive Damages Jurisprudence and its Impact on *Hodges v S.C. Toof & Company*,” *Tennessee Bar Journal*, December 2003.
- Author, “The E-Sign Act: A Move in the Right Direction and a Boost for E-Commerce,” *Tennessee Bar Journal*, February 2001.
- Presenter, “Effective Writing for Attorneys,” Tennessee Bar Association, 2009-2010.
- Presenter, “Business Torts 101: Tortious Interference,” Tennessee Bar Association, 2008-2010.
- Presenter, “Business Torts 101: Trade Secrets,” Tennessee Bar Association, 2008-2009.
- Presenter, “Business Torts 101: Covenants Not-to-Compete,” Tennessee Bar Association, 2007-2009.
- Presenter, “Business Torts 101: The Duty of Loyalty,” Tennessee Bar Association, 2008.