

# HOGGE ■ FENTON



**DANIEL W. BALLESTEROS**  
MANAGING SHAREHOLDER

55 South Market Street, Suite 900  
San Jose, CA 95113-2324

+1 408-947-2416 direct  
dan.ballesteros@hoggefenton.com

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## PRACTICE OVERVIEW

**Dan Ballesteros is an aggressive litigator, with the knowledge and experience to create leverage for your case.** Dan's practice focuses on real estate disputes, arising out of the purchase, sale, leasing, secured lending, ownership and/or use of real property. Dan represents businesses, LLCs, partnerships and individuals in all phases of litigation, arbitration and mediation.

Dan has successfully represented brokers, sellers and buyers in cases involving the nondisclosure of defective conditions, real property owners and business owners in actions by serial ADA litigants, mortgage brokers and lenders in actions against misrepresenting borrowers as well as wrongful foreclosure actions, owners in cases involving partition, possession and nuisance, neighbors in cases involving prescriptive easements, boundary line disputes and encroachment, individual members of LLCs and partnerships regarding issues of governance and control of profits, and tort claims by and against third parties.

## RECENT MATTERS

- Prosecuted partition action by sister against brother involving 40-unit apartment building
- Defended buyer's agent in claim by buyer for non-disclosure related to \$14M purchase of unfinished spec home
- Represented majority members of LLC against minority regarding governance and farming issues for 240 acres subject to Williamson Act
- Defended limited partner and guarantor against \$6.5M claim by lender
- Defended former cleanroom tenant against action by landlord regarding condition of HVAC system
- Prosecuted claims of the minority owner of a \$20M retail mall against fraudulent majority owner
- Defended Hotel owner against claims by serial ADA plaintiff, including website accessibility

## PROFESSIONAL ACTIVITIES

Dan has served as a member of the Executive Committee of the Real Property Law Section of the California State Bar. He has been an advisor to CEB on real property law publications and has served three terms as chair of the Santa Clara County Bar Association's Real Property Law Section. Dan teaches an evidence module course for the Stanford Law School Trial Advocacy program, has taught Real Estate Principles at De Anza College and is a member of the American Inns of Court. He was recently identified as a "Super Lawyer" by *San Francisco Magazine* for the ninth year in a row.

## FIRM LEADERSHIP

Dan has been with Hoge Fenton since 1989. He joined the hiring committee as an associate in 1992. He became a shareholder in 1997 and has served multiple terms as a practice group leader, having chaired (at different times) both the Real Estate and Litigation departments. He has served as the firm's Managing Shareholder since 2013.

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## **COMMUNITY ACTIVITIES**

Dan is pleased to sit on the board of trustees of the Silicon Valley Campaign for Legal Services, a charitable organization which raises funds for eight organizations that provide legal services to local underrepresented populations. Dan is also a member of the board of the San Jose Sports Hall of Fame, an organization created to recognize and promote excellence in local athletics.

He is also proud to have served on the board of trustees of the Mexican Heritage Corporation, a nonprofit committed to the celebration and preservation of the art and culture of Mexico and host of the annual San Jose Mariachi Festival.

He has served as a member of the San Jose Downtown Association, and is a founding member of the highly successful Downtown San Jose Tour, an event that highlights real estate opportunities and successes in the core of downtown San Jose. For 22 years, Dan coached the highly decorated Lincoln (13) and Mountain View (9) High School Mock Trial Teams.

## **ARTICLES AND SPEAKING ENGAGEMENTS**

Dan is a frequent speaker, having presented programs for CEB (California Continuing Education of the Bar), at the California State Bar Real Property Law Annual Retreat and the Santa Clara County Bar Association Real Property Symposium on such topics as evidence, disclosure obligations, partition actions, purchase agreements, arbitration, and mediation and the recovery of attorneys' fees. He has also taught programs on trial techniques at Stanford University Law School as well as real estate practice programs at Santa Clara University School of Law. Dan has presented programs on defending claims by ADA serial plaintiffs to small business owners and the San Jose Downtown Association. Dan regularly presents risk management seminars focusing on broker disclosure duties to real estate professionals. Dan has written articles on subjects ranging from recent developments to the statute of limitations in real estate cases to the recovery of attorneys' fees in real property actions.

## **PRACTICE AREAS**

Business Litigation  
Litigation and Dispute Resolution  
Real Estate and Land Use

## **EDUCATION**

J.D., Boalt Hall School of Law, University of California at Berkeley  
B.A., Public Policy, Stanford University

## **ADMISSIONS**

California  
U.S. District Court, Eastern, Northern, Southern Districts of California  
U.S. Court of Appeals, Ninth Circuit

## **AWARDS**

AV Preeminent® (highest level of professional excellence) Peer Review  
CV, BV and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies.  
Best Lawyers in America, 2016 and 2021  
California Super Lawyer, 2011-2020, an honor bestowed upon less than 5% of attorneys in California  
Best Lawyers in Northern California, 2018 and 2020