



**DAVID FERGUSON**  
**Partner**

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David L. Ferguson is an accomplished trial attorney and chairs the firm's litigation department. He is routinely involved in high stakes litigation across a wide array of practice areas, including, but not limited to, employment law, complex business litigation, class actions, product liability, catastrophic personal injury, civil rights, and regulatory enforcement actions.

Mr. Ferguson is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics, a testament to the fact that his peers (lawyers and judges in the community) have ranked him at the highest level of professional excellence. He became a lawyer in 1993 and is admitted to practice before the United States District Court for the Middle and Southern Districts of Florida, and all state courts in Florida. Mr. Ferguson is well regarded as a formidable advocate in court and for providing creative and insightful strategic advice, particularly in emergency and extremely complex situations.

Mr. Ferguson attended North Carolina State University and later received his undergraduate degree in Legal Studies from Nova Southeastern University. He received his law degree from Nova Southeastern University Law School. While in law school, Mr. Ferguson served as a Staff Member of the Nova Law Review. He was also a member of the Moot Court Society and the winner of the Moot Court Intramural Competition.

**Representation of the Broward Sheriff's Office**

Since 2013, Mr. Ferguson has had the privilege of representing the Broward Sheriff's Office ("BSO") in over 150 matters involving many different types of disputes and issues, including: defense of civil rights lawsuits in state and federal court; negotiating collective bargaining agreements with unions; and arbitrations brought by unions or employees subjected to termination or other significant discipline. Mr. Ferguson has had many arbitration final hearings and state and federal jury trials for BSO representing the agency as well as the Sheriff and numerous Deputies individually.

## **Class/Mass Actions**

Mr. Ferguson has experience in class actions against large banks and some of the world's largest companies, including technology companies and oil conglomerates.

Additionally, during his career Mr. Ferguson has defended many large companies in MDL's, and mass and class actions, including medical equipment manufacturers, pharmaceutical companies, an aircraft parts and engine manufacturer and defense contractor, nationwide retailers, and a massive sugar manufacturer.

## **Regulatory Agency Enforcement Actions**

Mr. Ferguson has extensive experience defending individuals and entities in significant enforcement actions brought by regulatory agencies, including the CFTC, FTC, and SEC.

## **Employment, Human Resources, and Related Matters**

Mr. Ferguson has represented numerous business and individuals in employment and human resource related matters. Mr. Ferguson has represented several Fortune 50 companies, including Pratt & Whitney/UTC, Home Depot, and Office Depot in all phases of employment related matters. His experience includes drafting and revising employee handbooks, drafting noncompetition and nondisclosure agreements, negotiating and drafting executive severance agreements, conducting internal investigations, promulgating remedial measures, addressing requests for reasonable accommodations, assistance with reductions in force and layoff selections, responding to charges of discrimination before the EEOC and/or FCHR, providing full spectrum human resources advice, and defending litigation brought by present or former employees. Mr. Ferguson has litigated virtually every type of discrimination and employment related claim, including claims based upon race, pregnancy, disability, national origin, religion, age, sexual preference, sexual harassment, worker's compensation, unemployment, FMLA leave, FLSA overtime, unpaid wages, whistleblower, and retaliation.

Mr. Ferguson primarily represents companies, but also represents select individuals who have claims against their present or former employers. In addition to the wide variety of employment claims discussed above, as plaintiff's counsel Mr. Ferguson has also handled claims brought by individuals arising under the federal False Claims Act (Qui Tam) and the Foreign Corrupt Practices Act.

## **Business Disputes**

Throughout his legal career, as counsel for plaintiffs and defendants, Mr. Ferguson has handled a myriad of commercial cases involving all types of business disputes, including claims for breach of partnership agreements, breach of shareholder or limited liability company operating agreements; dissolution of corporations and limited liability companies; appointment of receivers; breaches of fiduciary duty; conversion; constructive trust; theft; negligent or intentional misrepresentation or omissions; fraudulent inducement; tortious interference; professional negligence or malpractice; derivative actions, breach of contract, real estate disputes, and construction disputes.

## **Noncompetition and Trade Secret Litigation**

Mr. Ferguson routinely represents companies and individuals in commercial disputes involving unfair and deceptive trade practices, unfair competition and/or tortious interference with contracts or valuable business relationships. Often these cases involve the enforcement of noncompetition agreements and protection of valuable trade secrets. Mr. Ferguson has extensive experience representing businesses seeking to enforce their noncompetition agreements and/or protect trade

secrets through suits for injunctive relief and damages and representing subsequent employers and individuals defending against such claims. He has obtained numerous injunctions for his clients and has also successfully defended against them numerous times, including getting injunctions dissolved that were entered against his clients without notice or prior to his representation. Mr. Ferguson has also obtained contempt sanctions and entitlement to punitive damages against individuals and entities who have stolen trade secrets from his clients.

### **Other Injunctive and Prejudgment Relief**

In addition to extensive experience with injunctions in the context of noncompetition and trade secret cases, Mr. Ferguson often litigates other types of cases involving requests for injunctive and prejudgment relief. Mr. Ferguson has obtained and successfully opposed motions for prejudgment writ of attachment to freeze funds and property prior to trial. Additionally, Mr. Ferguson has litigated claims for prejudgment writ of replevin on behalf of lenders, involving property and equipment such as restaurant equipment, jewels, and aircraft. In addition to representing court appointed receivers, he has also successfully opposed and obtained receiverships over businesses on behalf of his clients.

### **Intellectual Property Disputes**

Mr. Ferguson has litigated many cases involving intellectual property disputes, including trademark, trade name, trade dress, Lanham Act, advertising injury, cybersquatting, copyright, and patent infringement. While the majority of these intellectual property cases have been in federal district court, Mr. Ferguson has also handled claims arising under state statute and common law in state court, including common law trade name infringement, common law unfair competition, statutory unfair and deceptive practices, and unauthorized use/publication of name and likeness.

### **Arbitrations**

Mr. Ferguson often handles all types of claims in arbitration, including large contract disputes and employment claims that are subject to arbitration agreements. Mr. Ferguson has handled many arbitrations for BSO brought by unions and employees who were subjected to serious discipline.

### **Professional Administrative Actions, Regulation, and Licensure**

Mr. Ferguson often represents professionally licensed individuals responding to administrative investigations and complaints before the Florida Department of Business and Professional Regulation. Mr. Ferguson has also defended companies involved in administrative investigations or accused of violating administrative rules and regulations, including investigations and actions brought by the FDBPR and the Florida Department of Agriculture and Consumer Services. He has also negotiated with various administrative agencies and departments to work out issues his clients may have in order to maintain compliance.

### **Large Fraud and Ponzi Cases**

Mr. Ferguson has a great deal of experience litigating cases involving massive fraud claims, most often for victims, but also for select defendants. Mr. Ferguson's clients have included individual victims who have lost multiple millions of dollars in fraud schemes to large businesses with tremendous damages, including one international lending institution with damages in excess of \$150 million. Additionally, Mr. Ferguson successfully represented several individuals and entities subjected to significant claims by a receiver and the United States Marshals Service in a massive billion-dollar Ponzi scheme involving a notorious Ft. Lauderdale lawyer and his law firm.

## **Criminal Defense**

Mr. Ferguson also has experience in the defense of select state and federal criminal cases, primarily alleged white-collar crimes.

## **Previous Employment**

Prior to joining the firm, Mr. Ferguson worked for two nationally known and respected law firms: Steel Hector & Davis, LLP and Berger Singerman, PA.

## **Primary Practice Area**

Commercial & General Civil Litigation  
Labor & Employment Law

## **Secondary Practice Area**

Class Action Litigation

## **Bar Admissions**

Florida Bar

## **Court Admissions**

U.S. Dist. Ct., Southern District of Florida  
U.S. Dist. Ct., Middle District of Florida  
U.S. Dist. Ct., Northern District of Florida

## **Education**

Nova Southeastern University, B.S., J.D