

# Peter J. Felsenfeld

San Francisco, CA

He/Him

 415-743-3724

 [pfelsenfeld@hinshawlaw.com](mailto:pfelsenfeld@hinshawlaw.com)



## About Peter

Peter has a diverse practice representing businesses, individuals, and insurance companies in complex litigation and arbitration. A significant focus of his practice is representing insurers in arbitrations before the American Arbitration Association (AAA) and the American Health Law Association (AHLA) in payor provider disputes.

Peter also handles matters involving insurance bad faith, rescission, and coverage disputes, as well as ERISA benefit claims in the life, health, and disability areas. In addition, he litigates contractual disputes and employment matters, including wage and hour, misclassification, and wrongful termination cases. Peter strategically positions cases for early resolution whenever possible but has extensive experience guiding clients through all stages of litigation, including dispositive motion practice and trial when appropriate.

Peter has served as coverage counsel for major commercial general liability and professional liability insurers nationwide.

## Peter's Affiliations

- The State Bar of California

## Areas of Focus

**Industries:** Healthcare; Insurance; Life, Health, Disability & ERISA ; Managed Care

**Services:** Alternative Dispute Resolution (ADR);  
Bad Faith, Market Conduct & Extra-Contractual Liability;  
Claims Resolution, Management & Social Inflation Containment ;  
Employment Litigation; Insurance Coverage Litigation & Counseling;  
Labor & Employment; Litigation & Trial

## Experience

- Obtained a complete defense verdict in favor of a major cosmetic company in a bench trial in California state court in which the plaintiff alleged that the company breached its return policy when it refused to provide a refund. The judgment in favor of our client was affirmed on appeal.
- Secured a unanimous jury verdict and favorable bench ruling in the District Court for the Northern District of California in a complex, high-exposure insurance coverage case involving a catastrophic disability policy where the plaintiff alleged that the insurer wrongfully denied him benefits under the policy. The jury found in favor of the insurer on the breach of contract and insurance bad faith claims, determining that the plaintiff did not suffer a covered loss under the policy. Additionally, the court ruled against the plaintiff on the alleged violation of California's Unfair Competition Law. The court denied the plaintiff's motion for a new trial, finalizing the insurer's complete victory in the case.
- Prevailed on summary judgment for a major cosmetic company in a premises liability lawsuit filed in Los Angeles County Superior Court. The plaintiff claimed the cosmetic company was responsible for the premises, a JC Penny store, where they suffered injuries from a trip and fall. However, the plaintiff failed to establish that the cosmetic company owned, operated, managed, or controlled the premises. Finding no legal liability, the court granted the motion for summary judgement and dismissed the case.

## Recognition

- Recognized by the Bar Association of San Francisco with a 2024 Award of Merit for volunteer work on behalf of the Justice & Diversity Center

## Credentials

### Education

University of California Hastings Law, JD, *cum laude*, 2008

San Francisco State University, BA, 2000

### Bar Admissions

California

## Court Admissions

US Court of Appeals for the Ninth Circuit  
US District Court for the Central District of California  
US District Court for the Eastern District of California  
US District Court for the Northern District of California  
US District Court for the Southern District of California

## Interests

### Community/Civic Activities

- Temple Beth Shalom, San Leandro, California, Board of Directors

## Thought Leadership

### Publications

- Contributing Author, “Managed Care Litigation,” *ABA Health Law Section*, 2018 – 2020 Editions
- Co-Author, “Pros and Cons of Public Agency Captives,” *Risk Management*, February 2016
- “Compliance: Employers Closely Watching Supreme Court’s ruling in *Canning*,” *InsideCounsel*, March 2014
- Co-Author, “The Rise and Fall of Captive Reinsurers in the Mortgage Market,” *Risk Management*, February 2014
- Co-Author, “Companies Increasingly Look To Captive Insurance,” *Daily Journal*, November 14, 2013

### Media Mentions

- “High Sovereignty Stakes in Card Dealer Case,” quoted with regard to NLRB decision that blackjack dealers in Native American Casino can unionize, *Workforce*, October 14, 2013

### Blog Posts

- Sixth Circuit: Telling Supervisor to stop Harassing Conduct is Protected Activity Under Title VI, Apr 27, 2015
- Court Shoots down ADA Discrimination Claim Premised on Employer’s Alleged Embarrassment, Mar 27, 2015
- Oakland Minimum Wage and Sick Leave Requirements take Effect this Week, Mar 7, 2015
- Eighth Circuit Holds that Supervisor’s Bizarre Conduct does not Constitute Discrimination, Dec 8, 2014
- Fifth Circuit Hands down Mixed Ruling on Validity of Later-Added Arbitration Clause, Oct 26, 2014

### Event

- Hinshaw’s California Employment Law Breakfast Briefing - San Francisco, Jan 28, 2015

## Hinshaw Alerts

- DOL Letter Indicates ERISA Plan Administrators Must Produce an Audio Recording or Transcript of Call Between Claimant and Plan Representative Upon Request, Oct 6, 2021
- ERISA Exhaustion Requirement Not Satisfied by Verbal Appeal When Plan Required Written Appeal, Oct 6, 2021
- Health Plan May Not Exclude Specific Autism Treatments, May 26, 2021
- Sparsely Pleaded Parity Act Lawsuit Survives Motion to Dismiss, May 26, 2021
- Court Affirms Principle that Challenges to Benefits Determination Involving Mental Illness Limitation Require Specific, Concrete Evidence of Physical Factors, Feb 25, 2021

## Hinshaw Newsletters

- The LHD/ERISA Advisor – October 2021 Edition, Oct 20, 2021
- The LHD/ERISA Advisor – June 2021 Edition, Jun 17, 2021
- The LHD/ERISA Advisor – March 2021 Edition, March 2021
- The LHD/ERISA Advisor – October 2020 Edition, Oct 5, 2020
- The LHD/ERISA Advisor – June 2020 Edition, Jun 3, 2020

## In The News

- Peter Felsenfeld Co-Authors “Pros and Cons of Public Agency Captives” in Risk Management Magazine, Feb 2, 2016

## Insights for Employers Alert

- Employment Practices Newsletter - May 2015, May 1, 2015

## Press Releases

- Peter Felsenfeld to Receive Award of Merit from The Bar Association of San Francisco, Dec 3, 2024
- Hinshaw Announces Election of Twelve New Partners, Jul 1, 2018

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