

# Daily Journal

SEPTEMBER 6, 2023

## Daily Journal's Top 100 Lawyers



*Elliot R. Peters*

**Keker, Van Nest  
& Peters LLP**

San Francisco  
Litigation

The PGA Tour hired Elliot R. Peters and his firm to represent it just days before 11 pro golfers backed by LIV Golf Inc. filed an antitrust suit against the tour. Peters and his firm had five days to respond to the motion for a temporary restraining order.

"I just put out a kind of an SOS to the ... the lawyers at the firm, and all these people ... did all this great work," Peters said. More than a dozen lawyers researched antitrust and injunction issues and prepared a response. "Three secretaries in my office pulled an all-nighter so we could get all these papers on file" on Monday.

He argued on Tuesday and the TRO was denied on Wednesday. *Mickelson v. PGA Tour*, 5:22-cv-04486, (N.D. Cal., filed Aug. 3, 2022).

Peters said he enjoyed litigating the PGA case, which took another 10 months. "It gave me the opportunity to do battle with Gibson Dunn, Quinn Emanuel and the Saudi government. ... That was fun."

"I get such good assistance from the other lawyers in my firm," he said. "We can pretty much figure out the specifics of any legal problem."

Any legal problem is the kind of case Peters likes to litigate. For instance, he is defending Nixon Peabody in a civil action filed by the trustee handling the bankruptcy of a Ponzi scheme. *Solar Eclipse Investment Fund III LLC v. Cohnreznick LLP*, 19STCV45775 (L.A. Super. Ct., filed Dec. 17, 2019).

The former federal prosecutor is also defending a developer accused of bri-

bing the mayor of Palm Springs. He got the case dismissed in late 2020, but the appellate court reversed, and the case is now set for trial in November. *People v. Pougnet*, RIF1700618 (Riv. Super. Ct., filed Feb. 14, 2017).

Peters is leading the team representing Black Knight in an action by the FTC seeking to block the \$13.1 billion acquisition of the real estate software company by the parent company of the New York Stock Exchange. *Federal Trade Commission v. Intercontinental Exchange Inc.*, 3:23-cv-01710 (N.D. Cal., filed April 10, 2023).

And he is defending an online commercial real estate platform and marketplace against a copyright and unfair competition lawsuit filed by the market leader. *CoStar Group Inc. v. Commercial Real Estate Exchange*, 2:20-cv-08819 (C.D. Cal., filed Sept. 25, 2020).

"People say to me that 'You don't specialize in anything,' and I say, 'Yes, I do. I specialize in being persuasive,'" Peters said.

Taking on all sorts of cases makes his life interesting, he said. "Something new comes in the door, and we jump on it and figure it out.

"But the principles of how to try a case effectively, how to communicate with a court or a jury effectively, that's all the same. That's just figuring out how to be persuasive and not too much of a jerk."

— Don DeBenedictis