

## Q&A: Lance Armstrong's Lawyer Talks Shop About Settling with US Postal Service

Elliot Peters of Keker, Van Nest & Peters says "100 percent" of him wished he could take the doping case to trial, but that the \$5 million settlement Armstrong reached "puts litigation out of his life."

By Ross Todd

Former pro cyclist Lance Armstrong announced Thursday he reached a \$5 million settlement in the long-running False Claims Act case that former teammate Floyd Landis initiated in 2013 alleging Armstrong fraudulently misled their team sponsor, the U.S. Postal Service, about his use of performance-enhancing drugs.

The settlement comes as federal prosecutors who had taken up Landis' case and Armstrong's lawyers at Keker, Van Nest & Peters were approaching a May 7 trial date. Armstrong faced up to \$100 million in potential liability at trial. In the wake of Thursday's announcement, Armstrong's lead lawyer, Keker Van Nest name partner Elliot Peters, spoke with The Recorder about the deal and some of the things he was looking forward to had the case gone to trial.



Lance Armstrong finishing third in Sète, taking over the yellow jersey at the 2002 Grand Prix Midi Libre on May 25, 2002. (Credit: Wikimedia Commons.)

**The Recorder: Why was this settlement the right move for Lance Armstrong?**

Elliot Peters: Because he took a case where his exposure was \$100 million and settled it for \$5 million and put litigation out of his life. He can now move on with his life and enjoy it rather than continue to be a litigant with this big exposure poten-

tially out there hanging over his head.

And also since 2013, Lance has tried hard to make amends with everybody including the Postal Service, and he's happy to do that.

**Is there part of you that wishes would have gotten to take this case to trial?**

100 percent.



Elliot Peters. (Photo: Jason Doiy/ALM)

### Was there any particular aspect of the trial you were looking forward to?

I think the case was basically hypocritical. The Postal Service benefited hugely from sponsoring the cycling team, particularly because it had Lance Armstrong on it.

Lance rode his heart out for the Postal Service team. He won seven straight Tour de Frances against a field of people, all of whom were doing exactly what he was doing. You'll never hear, and you've never heard, another cyclist who raced against Lance saying, 'He beat me by cheating.' They all say, 'He beat me. He was the best rider.'

So I thought the case was hypocritical.

But I was also looking forward to questioning some of the witnesses because the extent of doping in cycling—how obvious it was to the

people who regulated the sport and the sponsors of the sport—it was so apparent that for all these people to turn around and point the finger at Lance after the fact was just incredibly hypocritical and I would have loved to have had the opportunity in a federal courtroom in Washington to have exposed that.

### Any witness in particular?

My favorite witness in the case was always Tyler Hamilton, who was a guy who rode with Lance's U.S. Postal Service team, [and] he rode against Lance. He always wanted to beat Lance. When he left Lance's team, he rode for this other team.

He did transfusions, he did EPO [or blood doping]. He testified that he took way more PEDs for other teams than he ever had when he was on the Postal Service team. He was an interesting snapshot of some of the hypocrisy in the sport.

Another great witness was Floyd Landis, the relator. He's the guy who brought the lawsuit. Floyd Landis got busted for doping in the Tour de France, put on this big defense based on lying like crazy, got prosecuted for lying to people to fund his defense, and then became the so-called whistleblower who brought this suit against Lance. I mean, talk about hypocrisy.

### How much of your time and the firm's time has this case taken?

I started representing Lance in 2011. So I've been representing him for seven years and it's taken a lot of our time and a lot of our energy. He's become a friend and an adopted family member of our firm and we really care about him, and we really cared about our case. Not to say doping in sports is good or lying about is good. None of that.

He's a remarkable person, an amazing athlete, a really good man, a likable person and I'm just proud that we were able to represent him and ultimately get him to the other side of this difficult situation that he was in.

### What are you personally going to do now that you're not going to trial in May?

I have lots of other interesting cases to do. I'm in the middle of a mediation right now over at JAMS and, if this case doesn't settle, I'll be working on it. We have lots of things to do, so I won't be sitting around twiddling my thumbs. Unfortunately.

*Ross Todd is bureau chief of The Recorder in San Francisco. He writes about litigation in the Bay Area and around California. Contact Ross at [rtodd@alm.com](mailto:rtodd@alm.com). On Twitter: @Ross\_Todd.*