

Daily Journal

SEPTEMBER 4, 2024



Honoring the Top Performing Attorneys in California



Elliot R. Peters

Keker, Van Nest & Peters
San Francisco

As Elliot Peters puts it, “I’ve got a lot going on, which is fun.” That is, he handles a very wide array of litigation. “I think I probably have more variety than a lot of people because I do criminal cases in state and federal court. I do cases defending law firms in state and federal court, and there’s always a case within a case in those cases. And I do intellectual property cases as well,” he said.

More particularly, Peters has four trials lined up over the next nine months.

Early this November, he is set to defend Sutter Health in a False Claims Act case in Oakland. The plaintiffs contend the health-care organization worked with groups of doctors that inflated payments to induce referrals to Sutter, he said. The Keker firm was only brought into the case in late July. U.S. ex rel. *Hanvey v. Sutter Health*, 4:14-cv-04100 (N.D. Cal., filed Sept. 10, 2014).

Then, in January, Peters will be in Manhattan defending a former Arnold & Porter partner in what he called “a massive fraud case.” The civil suit accuses the lawyer and investors of a complicated scheme to collect about \$500 million in improper tax refunds from the Danish government. The plaintiff is Denmark’s main taxing authority. *Skatteforvaltningen v. Ben-Jacob*, 1:21-cv-05339 (S.D. N.Y., filed June 16, 2021).

The trial will be the first bellwether from a large MDL involving the tax scheme. “They really have it in for these defendants,” Peters said.

On March 11, he is scheduled to begin a trial in Los Angeles defending a popular online commercial real estate marketplace against a copyright and unfair competition lawsuit

filed by the major player in the field. He also is appealing the trial judge’s rejection of his client’s counterclaim accusing the competitor of antitrust violations. The FTC has filed an amicus brief in support of the appeal. *CoStar Group Inc. v. Commercial Real Estate Exchange*, 2:20-cv-08819, (C.D. Cal., filed Sept. 25, 2020).

Finally, in May, Peters may be defending a prominent, 84-year-old Coachella Valley real estate developer accused of bribing the former mayor of Palm Springs in connection with a proposed shopping mall in the city’s downtown area. *People v. Pougnet, Meaney & Wessman*, RIF1700618 (Riv. Super. Ct., filed Feb. 14, 2017).

But he’s not sure if the trial will happen. “The prosecutor has expressed a willingness to continue the case several times, and it makes me wonder whether they haven’t come around to our view that it’s a case they shouldn’t be prosecuting at all,” Peters said.

In the meantime, “I have a bunch of criminal investigations going on. I have some more lawyer defense kind of malpractice cases going on,” he said. “There’s just tons going on, and it’s all different. And that makes it fun.”