

# Daily Journal

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## LEADING COMMERCIAL LITIGATORS 2025



**ERIC H. MACMICHAEL**

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LITIGATION

**E**ric MacMichael has been an attorney at Kecker, Van Nest & Peters for 20 years, following a year as a judicial clerk and has built a reputation for handling high-profile legal challenges in the sports industry.

Notably, he represented Oregon State University during the tumultuous period when 10 members of the Pac-12 announced their departure to join other conferences. The legal battle focused on whether these departing schools could remain on the Pac-12 board and make critical decisions affecting the conference's future. *Oregon State*

*University v. The Pac-12 Conference*, 23-2-00273-38 (Whitman County, Wash., Super. Ct., filed Sept. 28, 2023).

MacMichael's efforts led to a temporary restraining order blocking an emergency board meeting and a preliminary injunction affirming that only Oregon State and Washington State could make decisions for the Pac-12. This paved the way for a settlement confirming their board rights.

"The case for Oregon State was very challenging because we were up against the 10 largest member schools in the conference," MacMichael said. "In addition to being a situation of '10 against 2,' the 10 schools had pressured the former commissioner of the Pac-12 to acquiesce to their interpretation of the bylaws, which put Oregon State and Washington State on the outside of the dispute looking in."

Currently, MacMichael is representing the Pac-12 in a dispute with the Mountain West Conference over a Scheduling Agreement for the 2024-25 football season. The MWC is seeking to enforce a \$55 million "poaching penalty" due to the Pac-12 accepting applications from five MWC member schools. MacMichael's team has filed a lawsuit to declare this penalty unenforceable as an illegal restraint on competition. *The Pac-12 Conference*

*v. The Mountain West Conference*, 5:24-cv-06685 (N.D. Cal., filed Sept. 24, 2024).

He also played a pivotal role in a significant victory for the PGA TOUR in 2023. He helped defeat a temporary restraining order brought by LIV Golf and 11 LIV golfers, who sought to force the PGA TOUR to allow them to participate in TOUR events despite violating its rules. *Mickelson et al. v. PGA Tour, Inc.*, 5:22-cv-04486 (N.D. Cal., filed Aug. 3, 2022).

MacMichael's contributions to a successful motion to compel discovery from Saudi Arabia's Public Investment Fund and its governor, overcoming their claim of sovereign immunity, were groundbreaking. This led to LIV dismissing its lawsuit against the PGA TOUR with prejudice in the summer of 2023.

"In the realm of sports, we are seeing more aggressive challenges to joint ventures and transactions that present antitrust concerns," MacMichael said. "I expect this trend to continue given the significant increase in the value of broadcast rights for live sports, as well as the amount of investment and consolidation in that industry, and I think we will see more challenges from potential competitors as well as regulators."