

# John Peterson

OFFICE MANAGING PARTNER

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John Peterson's proactive approach to client service ensures that his clients always feel like he and his team are part of their internal legal team and a trusted ally to all in the organization with whom they interact. John strives to truly learn and understand his clients' businesses and objectives to both address needs as they arise and spot potential problems before they become issues. John prides himself on developing client relationships that foster more efficient and complete communication, resulting in more whole-picture strategies and more educated responses to clients' needs.

John draws on his extensive experience to guide clients in the strategic direction that helps them leverage opportunities to reach their business goals. As a result, clients utilize John's skills to represent them in matters all over the country.

John's practice includes a wide range of commercial litigation, with a particular depth of knowledge and experience in the area of financial services and the payment card industry. This experience includes:

- Complex contractual issues;
- Data breach issues and related liability;
- Card brand compliance issues;
- The Payment Card Industry Data Security Standards (PCI-DSS); and
- TCPA and other call-related statutes.

John's clients trust him to serve as their advocate in enforcing contractual provisions in a wide range of complex breach of contract and business tort cases across all industries. This experience includes enforcement of:

- Forum-selection and choice of law-provisions (the majority of which involve removal and moving to transfer to the E.D.N.Y.);
- Limitation-of-liability provisions, including damages caps and consequential damages waivers;
- Notice-of-dispute provisions;
- Indemnification provisions; and
- Restrictive covenants.

## Capabilities

- Class Action & Multidistrict Litigation
- Commercial Litigation
- Mergers & Acquisitions Litigation
- Real Estate Litigation
- Health Care Litigation
- Litigation

John has also handled numerous class actions for clients across industries involving statutory claims other fee-related issues including the Telephone Consumer Protection Act (TCPA), the California Invasion of Privacy Act (CIPA), and the Louisiana Lease of Movables Act (LMA).

In addition to his experience in state and federal courts across the country, John also has experience representing clients in the arbitration forums of FINRA, NFA, AAA and JAMS. He is also a certified Rule 31 mediator in the state of Tennessee.

## Education

- University of Southern California (B.S., *magna cum laude*, 1989)
  - Entrepreneurship and Real Estate
  - Order of the Palm; Skull and Dagger; President of IFC; Sigma Nu National Man of the Year
- University of Southern California Gould School of Law (J.D., 1995)
  - Top 15%; Moot Court Honors Program; Writing Instructor

## Bar Admissions

- California, 1995
- Tennessee, 2007
- New York, 2015

## Court Admissions

- Supreme Court of California
- Supreme Court of Tennessee
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Middle District of Tennessee
- U.S. District Court, Eastern District of Tennessee
- U.S. District Court, Western District of Tennessee
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Eastern District of New York
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of California

## Memberships

- Nashville Bar Association
- Nashville Bar Foundation
  - Fellow
- American Bar Association
- California Bar Association
- International Association of Defense Counsel
- Los Angeles Bar Association
- Nashville Area Chamber of Commerce 2015 to Present
  - Partnership 2030 Leadership Team
- Tennessee Bar Association
  - Litigation Section 2007 to Present

## Recognition

- Recognized as a Stand-out Lawyer by *Thomson Reuters*, 2024
- Recognized by *BTI Consulting Group* as a Client Service All-Star, Commercial Litigation, 2020, 2024
- Selected for inclusion in *Best Lawyers in America*® for Commercial Litigation, 2024-2026
- Named to *Daily Journal's* Leading Commercial Litigators List, 2023-2025
- Named to the *Nashville Post* Leaders In Charge: Legal List, 2022-2026
- Institute for Corporate Counsel
  - Advisory Board Member
- Named "Local Litigation Star" by *Benchmark Litigation*, 2022-2026

## Matters

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- Successfully represented payment card processor in action for breach of oral contract and negligent misrepresentation in a case involving merchant chargebacks incurred due to the fraudulent use of credit cards accepted over the phone.
- Successfully represented a payment card processor challenging the state of Washington's application of Business and Occupation (B&O) tax to taxing processors for amounts related to the interchange fee portion of the full merchant discount which was listed as an estimated \$400 million receivable for past years' taxes alone.
- Successfully defended breach of contract claim alleging damages in excess of \$1 billion relating to development of credit card processing services utilizing the internet. Successfully reduced the final award to \$1.4 million in compensatory damages though Claimant's attorney fees alone were almost 5 times that amount. Also successfully defeated Plaintiffs' claims for fees.
- Successfully defeated multi-million dollar class action through summary judgment. Plaintiffs sought to have certain fees charged by client deemed improper per the terms of various merchant processing agreements.
- Successfully defended client from multi-million dollar claims of direct liability through interpleader process.
- Successfully defended against purported class action of Washington business owners for alleged violations of the Washington Automatic Dialing and Announcing Device Statute ("WADAD"), Washington's Consumer Protection Act ("CPA"), and Washington's Declaratory Judgment Act relating to calls made by third parties.
- Defeated class action on summary judgment alleging that data processor had violated certain provisions of the Electronic Funds Transfer Act.
- Obtained voluntary dismissal for no compensation for client from multi-million dollar matter pending in the Complex Division of the Los Angeles Superior Court involving allegations of fraud, negligence and breach of contract relating to point of sale systems.
- Successfully prevented client from being named as party to a \$600 million class action regarding alleged violations of Oregon state statutes prohibiting electronic surcharge fees involving the purchase of petroleum products.
- Developed worldwide essential service litigation plan to ensure client operations in wake of Covid.
- Successfully oversaw and negotiated the transfer and reorganization of more than \$60 million worth of assisted living facilities located throughout the Southeast and successfully protected investors from \$23 million judgment that had been obtained

against the organizer of the facilities.

- Successfully defended numerous NFA and FINRA arbitrations for online securities firm client with \$0 awarded to any claimant.
- Negotiated lowest fine issued by CFTC for online securities client that committed technical violation of minimum net capital requirements.
- Represented primary lender in the construction of the Shutters' Hotel in Santa Monica in seeking nearly \$80 million.
- Successfully recovered funds in numerous bankruptcy estates, established precedential decisions regarding stop notice claims and other lien law and successfully reached settlement with the primary title carrier the day before trial.

## Publications

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June 13, 2024

**BTI Client Service All-Stars 2024**

*Mentioned, BTI Consulting Group*