

Peter G. Bertrand

San Francisco, California
Shareholder

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Areas of Practice & Industry Specialties

Litigation; Trade Secrets & Employee Mobility; Franchise Law;
Alternative Lenders; Hospitality Industry Law; Fiduciaries, Receivers &
Trustees; Wine Industry Law



Peter G. Bertrand is Co-Chair of the Firm's Trade Secret and Employee Mobility and Wine Industry Practice Groups. Mr. Bertrand's practice, which is national in scope, focuses on the representation of financial institutions and companies in the areas of litigation, bankruptcy and creditor rights law. He also specializes in cases involving intellectual property, trade secrets, unfair business competition and employment related claims, and he has substantial experience in representing financial institutions in lender liability actions, interbank disputes and claims involving directors and officers.

Mr. Bertrand has prepared and participated in a number of specialized programs involving bankruptcy, creditors' rights (secured and unsecured), provisional and post-judgment remedies, high tech commercial law, commercial paper and employment law issues. He is a member of the Bar Association of San Francisco's Commercial Law and Bankruptcy Section and has lectured extensively as part of educational programs geared toward financial institutions throughout the United States.

Mr. Bertrand has been selected as *America's Top 100 High Stakes Litigators* in 2020 and 2021. He also received a 2020 Top Lawyer rating by the *San Francisco Magazine*, as well as 2020 Judicial AV Preeminent rating by *Martindale Hubbell* and has been selected as a *Top Rated Lawyer* in the areas of Commercial Bankruptcy, Creditor-Debtor Rights, Bank & Finance and Commercial Litigation by American Lawyer Media in 2013 and 2014. He has been selected as one of *Northern California's Super Lawyers* eleven times (2005-2006, 2008-2010 and 2014-2019) and was also selected as a *Northern California Super Lawyer, Corporate Counsel Edition* from 2009 to 2010. Mr. Bertrand has been recognized by *Best Lawyer in America* and *Best Lawyers in the Bay Area* in the areas of Bankruptcy Litigation and Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law since 2009. He is also a recipient of Corporate America's 2016 *Legal Elite Award, Best Financial Solutions Practice Group* – California. He has also been voted as America's Most Honored Professional by *The American Registry*.

Representative Matters

- Represented a major semiconductor company in a trade secret theft case which ultimately resulted in a complete defense jury verdict for the client. Plaintiffs were seeking an eight-figure recovery but received nothing in the action.
- Represented a financial institution against breach of contract, conversion, intentional misrepresentation and negligent misrepresentation claims for which plaintiffs were seeking damages in the amount of an eight figure claim. At the conclusion of a seven-week jury trial, obtained a complete defense verdict for the client, as well as a seven-figure recovery on the client's cross-claim.
- Represented a financial institution in trade secret misappropriation, unfair competition and employee raiding case. Obtained a preliminary injunction and permanent injunction prohibiting the defendants from doing business with any person or entity solicited by use of client's confidential data, and a \$47 million

settlement in favor of the client.

- Represented company in the title industry in a trade secret misappropriation, breach of fiduciary duty, unfair competition and employee raiding case. Obtained a preliminary injunction, and after a 3-1/2 month jury trial, obtained a multi-million dollar award in favor of client, including an order requiring defecting employees to repay portions of wages and bonuses received while engaging in unfair competition.
- Represented a financial institution in the defense of lender liability case asserting in excess of \$15 million in damages in U.S. District Court. Successfully obtained a dismissal with prejudice of the action on a motion to dismiss.
- Represented a financial institution in the film finance industry in IFTA arbitration. Obtained a \$20 million compensatory damage award, a six-figure award of sanctions for discovery abuses against the Defendants and counsel, and a recommended \$10 million award of punitive damages.
- Represented financial institution in defense of a \$50 million lender liability and RICO claims for aiding and abetting a Ponzi scheme and obtained dismissals in both the federal district court and state courts.
- Represented a corporate client in the defense of a trade secret and breach of fiduciary duty case and obtained a six-figure recovery by way of settlement on counterclaim for defamation, trade libel and unfair competition.
- Represented corporate client in the prosecution of a trade secret and unfair competition case and obtained a preliminary injunction which required immediate turnover of misappropriated data, a prohibition on doing business with customers through the use of client's confidential data, and requiring the defendants to cooperate in correcting misleading statements which implied the defendants were a continuation of, or affiliated with client's business.
- Represented a financial institution as lead participant in connection with a major bankruptcy in which total secured debt exceeded \$750 million with multiple lending tiers, including warehouse lines, mezzanine lenders, residual lines of credit, and significant priority disputes in both pre- and post-bankruptcy planning and litigation. By virtue of our representation, a chapter 11 plan was confirmed under which, among other things, the participants' recovery improved by over \$10 million.

Presentations

- Speaker, "Attorneys & Accountants Working Together in Litigation," American Association of Attorney-Certified Public Accountants Conference in San Francisco, CA, July 3, 2009

Education

Mr. Bertrand earned his J.D. from the University of California, Hastings College of the Law in 1979, where he also served as the student body president. He received his B.A. in Political Science with *great distinction* from the University of California, Berkeley.

Bar Admissions

- California

Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Central District of California