

## Peyton L. Berg

### Profile

Peyton Berg is a partner in the Litigation Group, the Appellate Group, and the Sports, Entertainment and Media Group. Mr. Berg assists clients in all types of business, intellectual property, and real estate litigation, contract drafting and review, employment law issues, and civil appeals. He handles matters for manufacturing companies and a variety of sports organizations, including professional sports teams, athletic conferences, national governing bodies and collegiate athletic associations. Mr Berg also manages the rights of publicity for PGA Hall of Fame golfer Patty Berg.

Prior to joining Bose McKinney & Evans, he clerked for Chief Justice Russell A. Anderson of the Minnesota Supreme Court. Before law school, Mr. Berg served as a communications platoon commander in the United States Marine Corps. He is currently a lieutenant colonel in the Marine Corps Reserve. Mr. Berg is admitted to practice before all state and federal courts in Indiana and the United States Court of Appeals for the Seventh Circuit.

### Education

University of Colorado at Boulder (B.A., 1995)  
University of Notre Dame Law School (J.D., 2002)  
Notre Dame Mendoza College of Business (Executive Certificate in Negotiation, 2007)  
United States Marine Corps Command and Staff College (2008)

### Honors / Awards

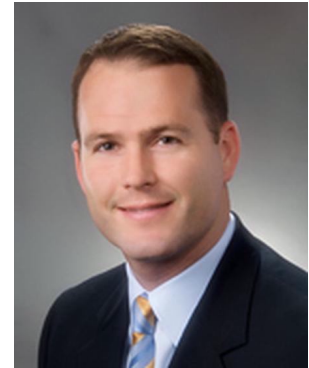
2011 "Future Star in Indiana" as published by *Benchmark Litigation: The Definitive Guide to America's Leading Litigation Firms and Attorneys* (peer-nominated); *Indiana Super Lawyers® - Rising Stars Edition* (2009-2011, Entertainment & Sports); Distinguished Fellow, Indianapolis Bar Foundation (2008); Finalist, Junior Achievement "Indy's Best and Brightest" Awards (2008); Fellow, Indiana Bar Foundation (2007); Up and Coming Lawyer, *Indiana Lawyer Leadership in Law Awards* (2006); Graduate, Indianapolis Bar Association Bar Leader Series II (2005); University of Notre Dame Office of Student Affairs Special Recognition Award for Leadership (2002)

### Representative Matters

- Local counsel for video game manufacturer in defense of trademark infringement and right of publicity claims brought by entity representing deceased 1930s-era gangster. *Dillinger, LLC v. Electronic Arts, Inc.*, Case No. 1:09-cv-01236-JMS-DKL.
- Appellate counsel to collegiate athletic association on appeal of certified questions to the Indiana Supreme Court to determine whether its championship ticket distribution process is an illegal lottery under Indiana law. *George, et al. v. National Collegiate Athletic Association*, 945 N.E.2d 150 (Ind. 2011), *reh'g denied*.
- Counsel to international manufacturing company after service of a nonparty subpoena, 30(b)(6) deposition notice, and document request in an out-of-state federal trade dress and patent infringement action.
- Appellate counsel to regional seed company in successful reversal and remand of a trial court order requiring compliance with a nonparty subpoena issued by a New York-based arbitration panel. *In re: The Subpoena Issued to Beck's Superior Hybrids, Inc.*, 940 N.E.2d 352 (Ind. Ct. App. 2011) (oral argument webcast available).
- Represented real estate holding company in action for injunctive relief against neighboring landowner concerning whether shared driveway between two commercial properties was subject to a revocable license or a prescriptive easement.
- After a three day jury trial, obtained verdict in favor of individual guarantor and against bank releasing guarantor from unconditional guaranty securing seven-figure construction loan, including attorneys' fees provision.

### Appearances / Publications

**Speaker:** "Appellate Pro Bono Opportunities," (Indianapolis Bar Association, 2008); "2007 Sports Law Summit," (Indianapolis Bar Association, 2007); "Protecting Your Sports Client from Unnecessary Litigation," (ICLEF, 2006); "Initiating an Appeal: Procedural Requirements and Practical Considerations," (Indianapolis Bar Association, 2005; St. Joseph County Bar Association, 2006; Hamilton County Bar Association, 2009); "Representing Professional Athletes: Certification Requirements and Contract Negotiation Basics,"



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**University of Notre Dame Law School**

### Admissions

Indiana

United States Court of Appeals for the Seventh Circuit

United States District Court for the Northern District of Indiana

United States District Court for the Southern District of Indiana

## Peyton L. Berg

(Indianapolis Bar Association, 2004)

**Author:** "Pushing the Limits of Trial Rule 28(E)," (*Res Gestae*, the Journal of the Indiana State Bar Association, November 2011; *The Indiana Litigator*, Summer 2011)

### Appointments / Memberships

**Member:** Indianapolis Bar Association (past chair, Sports and Entertainment Law and Appellate Practice Sections); Indiana State Bar Association (Appellate Practice Section Council, membership committee chair); 2011 Big Ten Football Championship Local Organizing Committee (corporate sales subcommittee); 2012 Super Bowl Host Committee (legal review subcommittee); Sports Lawyers Association; Indiana Sports Corporation (President's Council, 2008-2010); Keep Indianapolis Beautiful, Inc. (development committee, 2012); Kiwanis Club of Indianapolis (tri-chair, Programing Committee, 2010-2012); Notre Dame Club of Indianapolis.