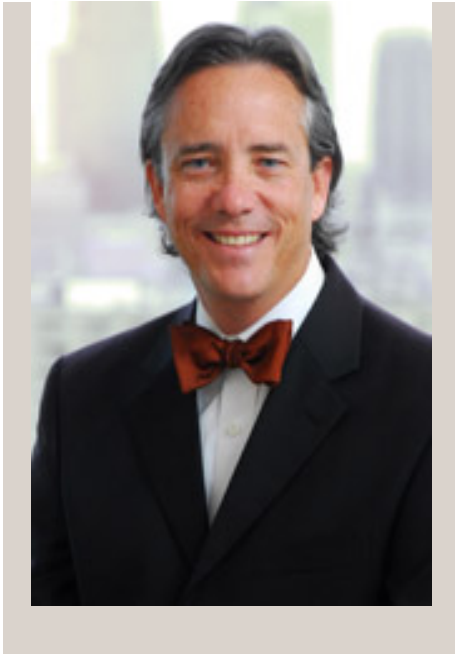


BERKOWITZOLIVER



Kirk A. Peterson

Partner

816.627.0316
kpeterson@berkowitzoliver.com

Practice Areas

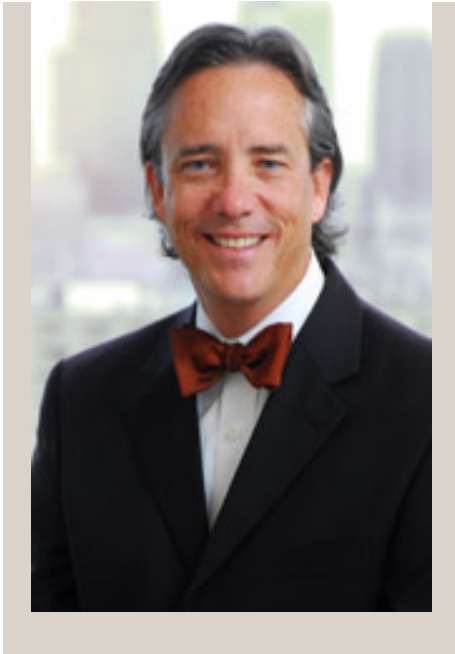
Business Litigation
Franchise Litigation
Insurance Coverage Litigation

Professional Profile

For more than 23 years, Kirk has worked primarily on franchise litigation on behalf of automotive manufacturers and distributors. Kirk enjoys the opportunity to partner with clients to help them implement business strategies while navigating the increasingly complex state and federal regulatory environments. When litigation does arise, Kirk enjoys working with clients to try to quickly and efficiently resolve disputes. In addition to franchise litigation, Kirk handles general commercial litigation ranging from insurance coverage disputes to deceptive trade practice issues. Some examples of Kirk's work include:

- *Option One Mortgage Co. v. Lloyds of London*, Kirk successfully prosecuted a coverage dispute arising out of a multi-state mortgage fraud scheme, resulting in a multi-million dollar recovery for Option One.
- *Ferrario Ford Lincoln-Mercury v. Ford Motor Company*, Kirk successfully defended Ford in a warranty reimbursement dispute in New York, which resulted in a confidential settlement following a bench trial.
- *McKay Motors, Inc. v. Mazda Motor of America, Inc.*; Kirk successfully represented Mazda in actions before the Missouri Administrative Hearings Commission and federal court, obtaining a "take nothing" settlement.
- *Craftsmen Limousine, Inc. v. Ford Motor Company*; Kirk obtained a reversal of a multi-million dollar antitrust verdict, and on remand, obtained summary judgment on all claims following a successful *Daubert* challenge to plaintiff's expert.
- *Wichita Clinic v. Columbia HCA*; Kirk assisted in the successful prosecution of a Sherman Act Section 2 attempt to monopolize, fraud, and tortious interference case against one of the largest hospital chains in the world. Kirk co-authored the 10th Circuit appellate brief, which led to a confidential settlement.
- *Sears BMW, Inc. v. BMW of North America, LLC.*; Kirk successfully defended BMW in a federal court action in Minnesota that alleged violations of the Robinson Patman Act and unfair trade practices. Kirk authored and argued the summary judgment motion, which resulted in a confidential settlement following argument.
- *Fowler Motors, Inc. v. BMW of North America, LLC*; Kirk obtained summary judgment for BMW NA in a multi-million dollar action involving deceptive trade practices and unfair competition in South Carolina federal court.

BERKOWITZOLIVER



Kirk A. Peterson

Partner

816.627.0316
kpeterson@berkowitzoliver.com

Practice Areas

Business Litigation
Franchise Litigation
Insurance Coverage Litigation

- *Harp Holdings v. La-Z-Boy, Inc.*; Kirk successfully defended La-Z-Boy in a federal court action, obtaining a no-payment settlement.

When not practicing law, Kirk enjoys spending time with his wife and five children. He and his wife have home-schooled their kids, and Kirk enjoys his role as the history and math professor. Kirk is also a nationally licensed soccer coach and spends the spring and fall of each year coaching several youth soccer teams at both the recreational and premier level. When not at a sporting event, Kirk enjoys reading, sports, and camping with his family.

Professional Memberships

Kansas Bar Association
Missouri Bar Association
Kansas City Metropolitan Bar Association
Defense Research Institute – Appellate Advocacy Committee

Education

University of Texas School of Law (J.D., 1990)
Central Missouri State University (B.A., 1987) *cum laude*

Admissions & Qualifications

Missouri, 1990
Kansas, 1991
U. S. District Court, Western District of Missouri
U. S. District Court, District of Kansas
U. S. Court of Appeals for the Fourth Circuit
U. S. Court of Appeals for the Eighth Circuit
U. S. Court of Appeals for the Tenth Circuit
U.S. Supreme Court