

Douglas L. Kilby



Shareholder

Tallahassee Office

dkilby@stearnsweaver.com

Phone: 850-354-7613

PRACTICE AREAS

Antitrust, Competition &
Consumer Protection
State Attorneys General
Litigation & Dispute Resolution
White Collar Defense &
Investigations
Cybersecurity
Technology
Government & Administrative
Class Actions

LANGUAGES

Portuguese

OVERVIEW

Doug is a seasoned litigator with over 30 years of experience, focusing his practice on class action, antitrust, consumer protection, business litigation, and government investigations, particularly matters involving the Attorney General's office. These investigations include matters involving Florida's Deceptive and Unfair Trade Practice Act (FDUTPA) and Florida's Antitrust, RICO, CANSPAM, data breach, and price gouging statutes. Doug is a former Senior Assistant Attorney General of the State of Florida's Economic Crimes (Antitrust) Division and has more than 20 years' experience advising clients with internal investigations and creating compliance policies and systems to reduce the risk of government enforcement actions. Doug has earned the ANSI-accredited Certified Information Privacy Professional/United States (CIPP/US) credential through the International Association of Privacy Professionals(IAPP). He regularly advises companies on a variety of privacy law matters, including digital marketing, website privacy compliance, and biometric data collection.

REPRESENTATIVE EXPERIENCE

Represented IBM and its subsidiary, TWC Product and Technology - owner of The Weather Channel Mobile App, as Florida counsel with Quinn Emanuel Urquhart & Sullivan in consumer class action alleging violations of FDUTPA and various business torts; case dismissed with prejudice.

Represented companies in responding to data breaches under the Florida Information Protection Act (Florida's data breach notification statute), and interpreting cybersecurity insurance policies and resolving coverage issues with carriers.

Represented numerous companies in responding to price gouging investigations, including major online marketplace operator.

Represented large healthcare company in obtaining antitrust clearance from Florida Attorney General on three separate hospital acquisitions.

Represented local governments in putative class action regarding alleged unconstitutional special assessment; motion for class certification denied.

Represented Fortune 500 companies in putative FDUTPA class actions, including cases involving flushable wipes, sunscreen, fuel surcharges, and movie rentals.

Represented regional bank in putative class action, successfully enforcing arbitration clause with class action waiver.

Represented large grocery store chains (Whole Foods Market and Publix Super Markets) in obtaining declaratory judgments enabling companies to exclude petition gatherers from soliciting signatures on privately owned property.

Represented world's largest sports agency in action to enjoin defecting agent from taking agency clients immediately prior to NFL draft; injunction granted.

Represented bankruptcy trustee in action to locate and recover assets transferred overseas by debtor, resulting in 100% recovery for creditors of estate.

Represented corporate debtor in bankruptcy in fraudulent transfer and breach of fiduciary duty action against debtor's former officers and affiliates, resulting in significant recovery for debtor.

Represented shareholder in action to remove officer of corporation for breach of duty of loyalty, largely based upon recovered electronic files deleted by former officer from company laptop, resulting in shareholder acquiring full control of company.

PROFESSIONAL & COMMUNITY INVOLVEMENT

American Bar Association, Litigation and Antitrust Sections
Associate Editor, ANTITRUST Magazine, 2018-Present

William H. Stafford American Inn of Court, 2014-Present

The Florida Bar Association
Grievance Committee for the Second Judicial Circuit, 2011-2016

Consumer Protection Law Committee
Chair, 2008-2009

Vice-Chair, 2007-2008

Co-Editor, 2013 *Review of Consumer Protection Law Developments*, Antitrust Law Section of the American Bar Association, 2013

Editorial Board, 2011 *Review of Consumer Protection Law Developments*, Antitrust Law Section of the American Bar Association, 2011

Leon County Schools Foundation, Board of Directors, 2005-2008

Leadership Tallahassee Class XX

RECOGNITION

The Best Lawyers in America, 2024-Present

Florida Super Lawyers, 2009, 2012-Present

Florida Trend's Florida Legal Elite, 2007-2017, 2019-2022

AV® Preeminent™ Rated, Martindale-Hubbell

PUBLICATIONS & PRESENTATIONS

Events: Information Security – A Breach Occurred, Now What?
Florida Association for Constitutional Officers | | July 2023

In the Media, Publications: **The ranging impacts of Florida's Digital Bill of Rights**
International Association of Privacy Professionals | May 2023

Events: **Cyberattack: When All Pay And Employment Records Are Lost**
Stearns Weaver Miller's 2022 Annual Tallahassee Labor & Employment Law Seminar | | November 2022

Publications: **Cannabis Dispensaries Take Another Hit With Antitrust Lawsuit**
Stearns Weaver Miller News Update | October 2021

Events: **Cyber In-Security: How To Make Cybersecurity A Priority For Your Business**
The Tallahassee Annual Chamber Community Conference | | August 2021

Government & Administrative News Update, Publications: **Agencies Continue to Adjust to The New Normal**
Stearns Weaver Miller News Update | April 2021

Events: **Consumer Protection Updates**
American Bar Association | | March 2021

Events: **FDUTPA Claims For Recovery in Bankruptcy Actions**
Middle District of Florida and Northern District of Florida Bankruptcy Bar Associations | | November 2020

Publications: **2019 Review of Consumer Protection Law Developments**
Chapter on Florida's Deceptive and Unfair Trade Practice Act | Antitrust Law Section of the American Bar Association | February 2020

Events: Class Actions: Hot Topics and Future Trends

Florida Bar Annual Convention on behalf of the Consumer Protection Law Committee | | June 2017

Events: Multistate Consumer Investigations: State AG Perspectives and Priorities

Consumer Protection, Privacy and Information Security, and State Enforcement Committees of the Antitrust Law Section of the American Bar Association | | February 2014

Publications: FTC's Latest Revisions to the Green Guides

What's In Store, Volume 18, No. 1 | American Bar Association's Section of Antitrust Law's Consumer Protection Committee | December 2013

Publications: Co-Editor, 2013 Review of Consumer Protection Law Developments

Antitrust Law Section of the American Bar Association | March 2013

Publications: Seller Beware: An Overview Of The FTC's New Business Opportunity Rule

What's In Store | American Bar Association's Section of Antitrust Law's Consumer Protection Committee | March 2012

Events: State Consumer Protection Laws - Enforcement and Litigation Trends in Florida

Private Advertising Litigation, Consumer Protection, State Enforcement, and Business Torts & RICO Committees of the Antitrust Law Section of the ABA | | July 2011

Publications: Facilitating Unfair Trade Practices: The FTC Makes a Check-Writing Software Company Pay For Ignoring Warning Signs of Fraud

What's In Store | American Bar Association's Section of Antitrust Law's Consumer Protection Committee | November 2010

Events: Clash of the Titans: 1st Amendment vs. Property Rights

Florida Association of Police Attorneys | | April 2010

Events: Consumer Law Update

American Bar Association's Section of Antitrust Law's Consumer Protection Committee | | January 2010

Events: Florida Consumer Law Symposium

The Florida Bar Consumer Protection Law Committee and the Office of the Attorney General | | May 2006

Events: Ethical Issues in Depositions

Lorman Education Services | | March 2005

NEWSROOM

In the Media, Publications: The ranging impacts of Florida's Digital Bill of Rights

International Association of Privacy Professionals | | May 2023

Firm Announcements: Douglas Kilby Earns Certified Information Privacy Professional/United States Credential through the International Association of Privacy Professionals

| March 2023

Firm Announcements: Stearns Weaver Miller Expands Tallahassee Office Space and Offered Services

| February 2022

In the Media: Fla. Defends Social Media Law, Likens Platforms To Utilities

Law360 | | June 2021

Firm Announcements: Stearns Weaver Miller Lawyers Recognized in 2021 Florida Super Lawyers

| June 2021

In the Media: Tech Orgs Say New Fla. Social Media Law Limits Free Speech

Law360 | | May 2021

In the Media: Tech Trade Groups Sue Over Florida's New Social Media Law

Bloomberg Law | | May 2021

Firm Announcements: Stearns Weaver Miller Continues to Strengthen Tallahassee Footprint

| May 2021

In the Media: Stearns Weaver Adds Former Assistant AG In Tallahassee

Law360 | | March 2021

Firm Announcements: Seasoned Litigator Douglas Kilby Joins Stearns Weaver Miller in Tallahassee

| March 2021

EDUCATION

J.D., University of Virginia School of Law, 1990

Virginia Journal of International Law, Articles Review Editor

Dillard Fellow

B.A., University of Florida, 1986

Certificate in Latin American Studies

ADMISSIONS

Florida

California (inactive)

United States Court of Appeals for the Eleventh Circuit

United States District Courts for the Southern, Middle and Northern Districts of Florida

United States District Courts for the Southern and Central Districts of California

CERTIFICATIONS

Certified Information Privacy Professional (CIPP/US)