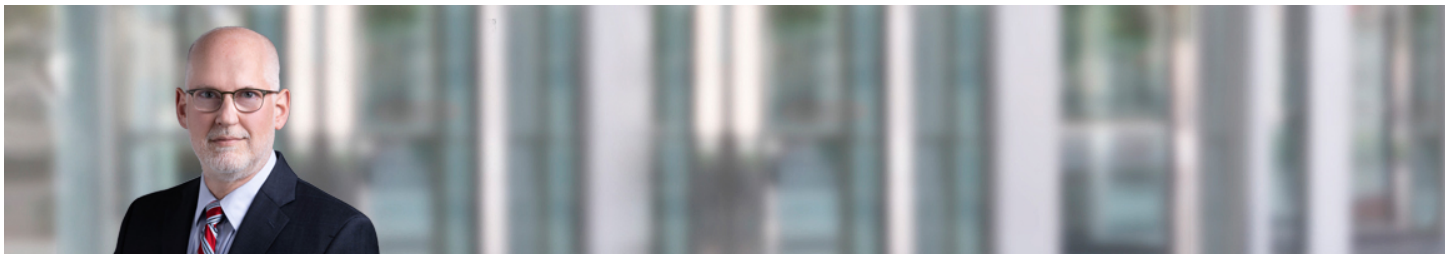


## Douglas L. Kilby



Shareholder

Tallahassee Office

dkilby@stearnsweaver.com

Phone: 850-354-7613

### PRACTICE AREAS

Litigation & Dispute Resolution

Antitrust

Class Actions

Government & Administrative

White Collar Defense &

Investigations

Technology

Cybersecurity

### LANGUAGES

Portuguese

### OVERVIEW

Douglas L. Kilby is a Shareholder in the Litigation Department with over 30 years of experience. His practice focuses on class action, antitrust, business litigation, and government investigations, particularly matters involving the Attorney General's office.

Doug is highly experienced in representing commercial institutions in state and federal court, including lawsuits by consumers or competitors. He has more than 20 years' experience advising clients with internal investigations and creating compliance policies and systems to reduce the risk of government investigations, and when the government has come knocking. These investigations include matters involving Florida's Deceptive and Unfair Trade Practice Act (FDUTPA) and Florida's Antitrust, RICO, CAN-SPAM, data breach, and price gouging statutes. He also regularly advises companies on trade regulation matters, namely, consumer protection and advertising compliance.

Doug is a former Senior Assistant Attorney General of the State of Florida's Economic Crimes (Antitrust) Division.

Doug started his practice in San Diego, California, representing commercial lenders in business litigation and bankruptcy matters. Prior to joining the Firm, Doug was a Shareholder at a firm in Tallahassee, Florida. He also served as general counsel to a regional transportation company.

### 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.

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## **PROFESSIONAL & COMMUNITY INVOLVEMENT**

Kate Sullivan Elementary School, Reading Mentor, 2020-Present

American Bar Association, Litigation and Antitrust Sections

Associate Editor, ANTITRUST Magazine, 2018-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

William H. Stafford American Inn of Court, 2014-2020

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

## RECOGNITION

*Florida Super Lawyers, 2009, 2012-2021*

*Florida Trend's Florida Legal Elite, 2007-2017, 2019-2020*

AV® Preeminent™ Rated, Martindale-Hubbell

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## PUBLICATIONS & PRESENTATIONS

### Events: **Cyber In-Security: How To Make Cybersecurity A Priority For Your Business**

The Tallahassee Annual Chamber Community Conference | | August 2021

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### Government & Administrative News Update, Publications: **Agencies Continue to Adjust to The New Normal**

Stearns Weaver Miller News Update | April 2021

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### Events: **Consumer Protection Updates**

American Bar Association | | March 2021

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### Publications: **Associate Editor, ANTITRUST Magazine**

Publication of the Antitrust Law Section of the American Bar Association | | March 2021

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### Events: **FDUTPA Claims For Recovery in Bankruptcy Actions**

Middle District of Florida and Northern District of Florida Bankruptcy Bar Associations | | November 2020

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### 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

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### Events: **Class Actions: Hot Topics and Future Trends**

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

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### 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

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### 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

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

Antitrust Law Section of the American Bar Association | March 2013

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**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

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**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

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**Publications: [Editorial Board, 2011 Review of Consumer Protection Law Developments](#)**

Antitrust Law Section of the American Bar Association | January 2011

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**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

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**Events: [Clash of the Titans: 1st Amendment vs. Property Rights](#)**

Florida Association of Police Attorneys | | April 2010

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**Events: [Consumer Law Update](#)**

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

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**Events: [Florida Consumer Law Symposium](#)**

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

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**Events: [Ethical Issues in Depositions](#)**

Lorman Education Services | | March 2005

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## NEWSROOM

**In the Media: [Fla. Defends Social Media Law, Likens Platforms To Utilities](#)**

Law360 | | June 2021

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**Firm Announcements: [Stearns Weaver Miller Lawyers Recognized in 2021 Florida Super Lawyers](#)**

| June 2021

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**In the Media: [Tech Orgs Say New Fla. Social Media Law Limits Free Speech](#)**

Law360 | | May 2021

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**In the Media: [Tech Trade Groups Sue Over Florida's New Social Media Law](#)**

Bloomberg Law | | May 2021

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**Firm Announcements: [Stearns Weaver Miller Continues to Strengthen Tallahassee Footprint](#)**

| May 2021

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**In the Media: [Stearns Weaver Adds Former Assistant AG In Tallahassee](#)**

Law360 | | March 2021

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

| March 2021

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### 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

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### ADMISSIONS

Florida

California (inactive)

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