



Douglas L. Kilby

Shareholder

- ▶ Antitrust and Trade Regulation
- ▶ Bankruptcy
- ▶ Commercial Law
- ▶ Government
- ▶ Litigation

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■ *Career Experience*

- Assistant Attorney General, State of Florida, 1996–2000

■ *Admitted to Practice*

- State of California, 1990
- State of Florida, 1995

■ *Professional & Community Involvement*

- Chair, Consumer Protection Law Committee, The Florida Bar, 2008–2009, Vice–Chair 2007–2008
- Editor, Consumer Protection Law Developments (2011 update), Antitrust Section of the American Bar Association
- Member, William H. Stafford American Inn of Court, 2007–2010
- Member, American Bar Association (Antitrust Litigation Sections)
- Inductee, Florida Legal Elite, Florida Trend, 2007–2011
- Member, Board of Directors of Leon County Schools Foundation
- Leadership Tallahassee, Class XX

■ *Education*

- J.D., University of Virginia, 1990
- B.A., University of Florida, 1986
- Articles Review Editor, Virginia Journal of International Law
- Dillard Fellow

■ *Other Languages*

- Portuguese
- Spanish

■ *Extended Profile*

Douglas L. Kilby practices in the areas of business litigation, trade regulation, and governmental law with an emphasis on matters before the Attorney General's office. Before joining Ausley McMullen, he worked in the Economic Crimes (Antitrust) Division of the Office of the Florida Attorney General, and has served as general counsel to McKenzie Tank Lines, a Tallahassee based trucking company. Doug regularly advises clients in business disputes, and clients that are being investigated or sued by the Florida Attorney General.

Doug started in his practice in San Diego, California, representing commercial lenders in business litigation and bankruptcy matters. He continues to represent commercial institutions in state and federal court, and has also represented creditors and trustees in a bankruptcy matters.

EDUCATION:

University of Florida, B.A. 1986

University of Virginia, J.D. 1990

Articles Review Editor, Virginia Journal of International Law

LICENSES AND CERTIFICATIONS:

State Bar of Florida (admitted 1995)

State Bar of California (admitted 1990; inactive)

COURT ADMISSIONS:

United States District Courts for Middle and Northern Districts, Florida

United States District Courts for Southern and Central Districts, California

MEMBERSHIPS:

Florida Bar Association, Litigation Section and Consumer Protection Law Committee

American Bar Association, Litigation and Antitrust Sections

RECOGNITION:

AV rating, Martindale–Hubbell

Inductee, Florida Legal Elite, Florida Trend Magazine, 2007 – 2011

Inductee, Super Lawyers, 2009

PROFESSIONAL ACTIVITIES:

Consumer Protection Law Committee, The Florida Bar (Chair, 2008–2009; Vice–Chair, 2006–2008)

Editor, Consumer Protection Law Developments (2011 update), Antitrust Section of the American Bar Association

COMMUNITY ACTIVITIES:

Leon County Schools Foundation, Member of Board of Directors (2005 – 2008)

Leadership Tallahassee, Class XX (2002 – 2003)

PRESENTATIONS AND PUBLICATIONS:

“State Consumer Protection Laws – Enforcement and Litigation Trends in Florida” – organized and moderated panel presentation sponsored by the Private Advertising Litigation, Consumer Protection, State Enforcement, and Business Torts RICO Committees of the Antitrust Law Section of the American Bar Association.

“Facilitating Unfair Trade Practices: The FTC Makes a Check–Writing Software Company Pay For Ignoring Warning Signs of Fraud,” published in What’s In Store, the newsletter of the Section of Antitrust Law’s Consumer Protection Committee, Volume 15, No. 2, Fall 2010

“Clash of the Titans: 1st Amendment vs. Property Rights,” presented to the Florida Association of Police Attorneys, Tallahassee, Florida, April 9, 2010

“Consumer Law Update,” presented to the ABA Section of Antitrust Law, Consumer Protection Committee, January 13, 2010

Panelist (Hurricane Panel), Florida Consumer Law Symposium, presented by The Florida Bar Consumer Protection Law Committee and the Office of the Attorney General, May 16, 2006

“Ethical Issues in Depositions,” presented by Lorman Education Services, March 23, 2005

REPRESENTATIVE EXPERIENCE:

Represented large grocery store chains in obtaining declaratory judgments enabling companies to exclude petition gatherers from soliciting signatures on privately owned property.

- Whole Foods Market Group, Inc. v. Sarasota Coalition for a Living Wage, 2010 WL 2380390 (Fla.Cir.Ct.)
- Publix Super Markets, Inc. v. Tallahasseeans for Practical Law Enforcement, 2005 WL 3673662 (Fla.Cir.Ct.)

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

Represented health care provider in bid protest resulting in State agency reversing award of multi–million dollar contract to competing health care provider.

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.