



## KATIE A. REILLY

### Partner

reilly@wtotrial.com | P 303.244.1983

*"A formidable litigator" and "a very creative and solution-oriented attorney."*

*—Peer and client comments, respectively, to Chambers USA*

### EDUCATION

New York University School of Law, J.D., 2001, *cum laude*

University of Virginia, B.A., 1998, Classics and English, with distinction

### GOVERNMENT SERVICE

Judicial Law Clerk to The Honorable Julia S. Gibbons, U.S. District Court, Western District of Tennessee, and U.S. Court of Appeals, Sixth Circuit, 2001-2002

### OTHER EXPERIENCE

Husch Blackwell  
Jacobs Chase  
WilmerHale  
Cravath, Swaine & Moore, Summer Associate

### ADMISSIONS

Colorado  
District of Columbia

### HIGHLIGHTS

- Won a hearing for the majority owners of an ethanol production company to defeat a preliminary injunction attempt and completely unwind an *ex parte* ruling that the company's minority owners obtained to install a receiver to displace WTO's clients from running the company.
- Defended the Colorado arm of the second-largest home building company in the U.S., together with executives and employees, against alleged violations of the Colorado Securities Act.
- Obtained dismissal of a putative Securities Act class action for a global telecommunications company.
- Won a \$39 million jury verdict in a five-day patent infringement trial.
- Served as lead counsel in series of lawsuits concerning contract disputes between nation-leading telecom companies with over \$1 billion at issue. Achieved highly favorable settlement.
- Helped secure a \$142 million settlement as liaison counsel to the lead plaintiff in a securities class action against a pharmaceutical company.
- Won an arbitration for one of the nation's largest beauty and wellness franchisors.

### INDUSTRIES

- Healthcare
- Telecommunications
- Real Estate
- Consumer Products & Services
- Cannabis

### PRACTICE AREAS

- Commercial Litigation
- Antitrust & Competition
- Class Actions
- Investigations & Compliance
- Appellate
- Securities Litigation & Enforcement Defense

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## BIOGRAPHY

Katie Reilly represents clients in complex commercial litigation, including antitrust matters and class actions in highly regulated industries. For four straight years, BTI Consulting has named Katie a nationwide Client Service All-Stars MVP based exclusively on input from corporate counsel. Chambers USA ranks her for commercial litigation in Colorado. Katie serves on WTO's management committee.

Katie has favorably represented antitrust clients in matters involving monopolization, conspiracy, price fixing, exclusive dealing, and other competition-related disputes, including trade secrets and non-compete actions. She has extensive knowledge of the regulatory hurdles and obligations her clients face, and she develops effective litigation and trial strategies based on her clients' business priorities. Katie also routinely provides antitrust counseling to clients in connection with their formation of joint ventures, development of pricing policies, collaborations with competitors, and other activities potentially involving antitrust laws.

Katie's additional commercial litigation experience includes successfully representing clients in business disputes at both the trial and appellate levels. Her experience includes contract disputes, business divorces, consumer fraud, and business tort claims. Katie has extensive healthcare industry experience, as well as real estate, energy, aviation, manufacturing, sports, and telecommunications. Katie also represents municipalities in high-stakes and often contentious disputes involving other municipal entities.

## CASES

### Class Actions

- Serving as lead trial counsel for a natural gas company in a certified antitrust class action alleging wholesale price manipulation and seeking more than \$2 billion in damages.
- Won Montana Supreme Court victory for a health system in a putative consumer class action that challenged its policy of issuing refunds in the form of pre-paid debit cards. The victory affirmed WTO's prior summary judgment win and defeated the plaintiff's new claims on appeal.
- Won voluntary dismissal of putative class action claims for one of the nation's largest health and wellness franchisors. The plaintiff claimed our client and the franchisee refused to refund her massage spa membership.
- Successfully represented a major North American resort owner and operator in multiple consumer class actions seeking refunds following the company's closure of its ski resorts during the COVID-19 pandemic.

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- Successfully represented multiple defendants in a \$2 billion federal antitrust and labor class action challenging the au pair exchange program administered by the Department of State. After four years of litigation, and just two months before trial, WTO helped to negotiate settlement for the defense group, resulting in defendants paying only 3% of the demand.
- Successfully defended a telecommunications company in a state and federal putative class action in Washington arising out of an alleged data breach.

## Antitrust & Competition

- Successfully negotiated a class settlement—for 2.5% of the claimed damages—for a major utility provider and its subsidiary in a 15-year-old putative antitrust class action in Colorado federal court.
- On the eve of trial, obtained settlement for a leading nationwide insurer facing a novel antitrust challenge to its method of handling property damage claims.
- Lead counsel for major real estate investment company in *In Re: Apartment Rental Software Antitrust Litigation* (M.D. Tenn. 2023). Plaintiffs seek billions of dollars in damages.
- Obtained favorable settlement for a nation-leading cable operator in a high-stakes and high-profile antitrust dispute brought by a regional content provider.
- Successfully represented one of the nation's largest grocery and foodservice distributors as a direct action plaintiff in antitrust litigation concerning broiler chickens.
- Won a preliminary injunction for one of the nation's largest health and wellness franchisors against three competing fitness and nutrition studios that had stolen our client's trade secrets, infringed on its trademarks, and breached non-compete obligations.
- Successfully defended a leading technology distributor against claims of civil conspiracy and trade secret misappropriation brought by former competitors, who sought tens of millions of dollars in damages. Following full discovery and a *Daubert* hearing, plaintiffs dismissed all claims on the eve of trial without any settlement or payment from WTO's client.
- Won WTO's motion to dismiss a federal antitrust action for a New Mexico healthcare trade association accused of conspiring to exclude healthcare providers from market.
- Won motions to dismiss all antitrust claims against our client, a leading technology distributor, in multiple related antitrust conspiracy lawsuits brought by former distributors.

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- Won reversal of a TRO that had been issued *ex parte* at the close of business on a Friday, effectively shutting down operations for a major manufacturing and distribution client, and subsequently won rejection of the injunction against WTO's client.
- Successfully represented a healthcare trade association in an \$80 million federal antitrust lawsuit alleging conspiracy among the trade association, health systems, and health insurance companies.
- Won summary judgment from trial court and successfully defended that order before the Tenth Circuit in a federal antitrust lawsuit alleging conspiracy to monopolize fixed-base operations at an airport.
- Successfully defended a government contractor in a federal antitrust class action and obtained early dismissal of tying and monopolization claims asserted by franchisee plaintiffs.
- Successfully defended a health system against antitrust claims and state law claims in multiple lawsuits brought by physicians relating to failed joint ventures.

## **Commercial Litigation**

- Won a hearing for the majority owners of an ethanol production company to defeat a preliminary injunction attempt and completely unwind an *ex parte* ruling that the company's minority owners obtained to install a receiver to displace WTO's clients from running the company.
- Defended the Colorado arm of the second-largest home building company in the U.S., together with executives and employees, against alleged violations of the Colorado Securities Act, among other claims—obtained dismissal of all claims against nine out of 10 defendants, paving the way for a favorable settlement.
- Obtained dismissal of a putative Securities Act class action for a global telecommunications company and, after a partial reversal and remand, again obtained dismissal of amended claims.
- Won a \$39 million plaintiff's jury verdict as co-trial counsel for Allergan and Duke University after a five-day patent infringement trial in federal court in Colorado.
- Served as lead counsel in series of lawsuits concerning contract disputes between nation-leading telecom companies with over \$1 billion at issue. Achieved highly favorable settlement.
- Helped secure a \$142 million settlement as liaison counsel to the lead plaintiff in a securities class action against a pharmaceutical company.

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- Won a complete victory following a four-day arbitration for one of the nation's largest beauty and wellness franchisors, which was accused of franchise disclosure violations, violations of unfair competition laws, and breach of contract. WTO also successfully countersued for breach of contract and trade secret misappropriation, obtained preliminary and permanent injunctions, recovered liquidated damages, and secured an award of attorneys' fees and costs.
- Won a \$14.3 million arbitration award, plus attorneys' fees and costs, for a multistate cannabis operator in a Florida franchise dispute involving lost royalties and right-of-first-refusal issues.
- Successfully represented a global industrial gas company in defense of a competitor's application for preliminary and mandatory injunctive relief, ultimately facilitating resolution of a dispute valued in the hundreds of millions of dollars on highly favorable terms.
- Won summary judgment in a high-stakes commercial dispute between technology companies. WTO represented 10 of 12 defendants and served as lead counsel for the joint defense. At issue were questions of legality and fraud related to asset management and an outstanding loan owed by a business entity that had dissolved. WTO demonstrated that its clients had been fair and above-board, and that no fraud existed.
- Successfully represented Aimco, one of the largest apartment owners in the U.S., in nationwide litigation alleging intentional torts against Airbnb. After jury selection in the first trial, Airbnb settled all litigation on terms allowing Aimco to control short-term rental activity consistent with its contract and property rights.
- Won summary judgment in arbitration for a nation-leading telecom provider in an indemnification dispute with a former subcontractor whose employee filed a class action lawsuit in the Southern District of New York. Though the plaintiff was one classmember among thousands, WTO demonstrated that the subcontractor was liable to indemnify WTO's client for all of its attorneys' fees related to the class action and a pro rata share of the resulting settlement.
- Won a Tenth Circuit appeal for a leading U.S. railroad operator defending a district court order that dismissed a third-party intervenor's claims against WTO's client based on lack of standing to enforce an EPA consent decree.
- Successfully represented an aerospace supplier in a product liability action involving responsibility for a \$10 million cleanup effort at a rocket manufacturing facility.

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- Successfully defended a Fortune 50 telecommunications conglomerate against allegations brought by a competitor that WTO's client breached FCC phone number portability regulations.
- Successfully represented a leading regional healthcare network as lead trial counsel in a high-stakes trademark dispute against a national healthcare insurance provider.
- Obtained dismissal for an insurance company client facing a civil RICO lawsuit in federal court, with risk of treble damages, for issuing a surety bond to a marijuana business as required by state regulations. The judge granted our client's motion to dismiss because the plaintiffs failed to plausibly allege injury sufficient to establish RICO standing.
- Won summary judgment for a major ski resort as plaintiff in a contract dispute involving a wireless infrastructure contractor.
- Represented one of the nation's largest healthcare franchisors in a federal court action challenging the legality of the underlying business model.
- Successfully represented a Colorado-based healthcare system in breach of contract action involving provision of home healthcare services.
- Won a complete verdict in a bench trial in federal bankruptcy court involving claims of fraud alleged in a business divorce.
- Represented a health system and obtained favorable settlement in a breach of contract action based on the termination of a management services contract for a Colorado hospital's oncology department.
- Defended a manufacturing company against a multimillion-dollar breach of warranty claim involving allegedly defective parts and negotiated a favorable settlement of less than 10 percent of the damages claimed.
- Obtained a favorable plaintiffs' verdict and monetary damages in a one-week jury trial based on an extreme and outrageous conduct claim.
- Represented the founders of a major ski resort in a two-week jury trial against a leading mountain resort company in a breach of contract action.
- Successfully represented a Fortune 100 telecommunications company in an appeal in the U.S. Court of Appeals for the D.C. Circuit involving the application of Federal Communications Commission (FCC) regulations.
- Won dismissal from trial court for publisher Simon & Schuster in a case involving a movie studio's \$50 million damages claim relating to the movie *Sahara* and alleging false representation of popular novelist Clive Cussler's readership figures.

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## Municipal

- Obtained complete dismissal with prejudice for two real estate investment clients facing claims brought by a municipal district seeking hundreds of millions of dollars in damages. The plaintiff alleged violations of the Colorado Organized Crimes Control Act, breaches of fiduciary duties, aiding and abetting such breaches, civil conspiracy, and more.
- Represented the City of Aurora in a Rule 106 action against the City of Greenwood Village involving an intergovernmental agreement between the cities under which Greenwood Village transferred development authority of a real estate parcel to Aurora.
- Represented Denver International Airport in high-profile claims involving alleged bid rigging and unfair competition relating to a \$50 million terminal concessions contract.
- Represented Denver International Airport against the Regional Transportation District in a dispute over cost-sharing agreements involving a new rail line serving the airport.
- Represent citizens in a lawsuit against a municipality alleging a violation of the Colorado Taxpayer Bill of Rights (TABOR).

## Real Estate

- Won reversal of summary judgment against our client, a real estate developer, in a dispute over a reciprocal easement, the outcome of which had a multimillion-dollar effect on the value of the property. The case was remanded to district court with orders to hear evidence at trial.
- Obtained injunctive relief for a shopping center owner and developer requiring an adjacent property owner to renovate the shopping center common area according to the terms of a reciprocal easement agreement.
- Represented a real estate developer and obtained a \$4.8 million judgment against the title insurance company after a seven-day bench trial in a bad faith breach of title insurance action.
- Represented a property owner in the appeal of a quiet title action before the Colorado Court of Appeals.
- Represented a major railroad company in connection with numerous right of way disputes, including quiet title and condemnation actions.

## REPRESENTATIVE CLIENTS

Denver International Airport  
Expedia Group  
Lumen Technologies - National Trial Counsel

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SCL Health  
Xcel Energy

## BAR & COURT ADMISSIONS

Colorado  
District of Columbia  
U.S. Court of Appeals, 10th Circuit  
U.S. Court of Appeals, D.C. Circuit

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Chambers USA

Band 2, General Commercial Litigation - Colorado, 2021-2023  
Band 3, General Commercial Litigation - Colorado, 2020  
Band 4, General Commercial Litigation - Colorado, 2018-2019  
Up and Coming, General Commercial Litigation - Colorado, 2016-2017

BTI Consulting

Client Service All-Star MVP, 2020, 2021, 2022, 2023  
Client Service All-Star, 2019

The Best Lawyers in America

Bet-the-Company Litigation, 2024  
Litigation - Antitrust Lawyer of the Year, Denver, 2021, 2023  
Litigation - Antitrust, 2024  
Commercial Litigation, 2018-2024  
Antitrust Litigation, 2018-2023  
Mass Tort Litigation / Class Actions - Defendants, 2022-2024

Benchmark Litigation

Under 40 Hot List, 2016-2017  
Future Star, 2021-2024

5280 Magazine

Top Lawyers  
Antitrust, 2020-2021, 2023-2024  
Civil Litigation, 2021, 2023-2024

Law Week Colorado

Top Women Lawyers, 2016  
"People's Choice" Antitrust Lawyer, 2016-2018, 2020, 2023  
"Barrister's Best" Antitrust Lawyer, 2019

Denver Business Journal

"Forty Under 40," 2012

Colorado Super Lawyers

Antitrust Litigation, 2017-2024  
Top 100, 2018-2024  
Top 50 Women, 2018-2024

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Colorado Rising Stars  
Business Litigation, 2009-2016  
Institute for the Advancement of the American Legal System  
Chair, Law Firm Council, 2020  
Board of Advisors, 2020  
Law School. . . Yes We Can  
Building Futures Fundraiser Co-Chair, 2021  
American Health Lawyers Association  
Antitrust Practice Group  
Colorado Lawyers Committee  
Board of Directors, 2008-2014  
Sixth Amendment Task Force  
Colorado Judicial Institute  
Board Member  
Colorado Women's Bar Association Foundation  
Board of Directors, 2014-present  
Colorado Women's Bar Association  
Faculty of Federal Advocates  
Counsel/Co-counsel Program  
University of Colorado Law School  
Dean's Advisory Council, 2013-present  
Law360  
2024 Editorial Advisory Board for Colorado

## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Denver Kids Inc.  
Board Chair, September 2017-2018  
Board of Directors, 2010-2019  
Executive Committee, 2012-2019  
Mentor, 2006-2014  
The Women's Leadership Foundation, Colorado Women's Chamber of Commerce  
Charter Member, Board Bound Program  
Denver Metro Chamber of Commerce  
Leadership Denver Program, Class of 2011  
Denver Metro Chamber Leadership Foundation  
Impact Denver Program, Class of 2007  
La Conexión  
Board of Directors, 2006-2007  
The Women's Foundation of Colorado  
Corporate Committee, 2011-2013

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## ARTICLES & PRESENTATIONS

### Articles

- "DOJ, FTC Announce Expedited Antitrust Review and Guidance Procedure for Collaborative Efforts Aimed at Responding to COVID-19 Pandemic,"(March 2020).

### Presentations

- Presenter, "Spot the Risk, Reap the Reward: Top 10 Antitrust Risks to Avoid in 2023," Trial Network Lakeside Litigation SuperCourse, (April 28, 2023).
- "CWBA: Grit Project," (March 5, 2015).