



**KATHRYN A. REILLY**

**Partner**

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**Kathryn Reilly represents clients in complex commercial and antitrust litigation, including in such highly regulated industries as aviation, healthcare, and telecommunications. Just in the past four years, Katie has served as lead counsel in seven unrelated antitrust actions in federal court. Chambers USA ranks Katie for commercial litigation in Colorado. She serves on the firm's six-member management committee.**

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

*—Peer and client comments, respectively, to Chambers USA 2018*

**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  
New York

**HIGHLIGHTS**

- Represent multiple defendants in a \$2.1 billion federal antitrust and labor class action challenging the au pair exchange program administered by the Department of State.
- 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.
- 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.
- Defending a telecommunications company in a federal putative class action arising out of an alleged data breach.
- 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.
- 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.

**INDUSTRIES**

- Healthcare
- Telecommunications
- Real Estate
- Consumer Products & Services
- Medical Devices & Pharmaceuticals

**PRACTICE AREAS**

- Commercial Litigation
- Antitrust & Competition
- Class Actions
- Investigations & Compliance
- Appellate

# KATHRYN A. REILLY

## BIOGRAPHY

Kathryn Reilly is a skilled commercial litigator with considerable experience helping clients address antitrust issues and business disputes across a range of industries. In the past four years alone, she has served as lead counsel in seven federal antitrust actions.

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, aviation, manufacturing, sports, and telecommunications. Katie also represents municipalities in high-stakes and often contentious disputes involving other municipal entities.

## CASES

### Antitrust & Competition

- *Beltran v. Noonan et al.* (D. Colo. 2015) - Represent multiple defendants in a \$2.1 billion federal antitrust and labor class action challenging the au pair exchange program administered by the Department of State.
- 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.
- *EPMM Colorado v. Green Cross Colorado* (Denver Cnty. Dist. Ct. 2015) - 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.
- *JetAway Aviation v. Board of County Commissioners of the County of Montrose, Colorado* (D. Colo.; 10th Cir.) - 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.

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- *TOG & Wild Harvest v. U.S.P.S.* (D. Colo. 2012) - Successfully defended a government contractor in a federal antitrust class action and obtained early dismissal of tying and monopolization claims asserted by franchisee plaintiffs.
- Defended a health system against antitrust claims and state law claims in multiple lawsuits brought by physicians relating to failed joint ventures.
- Counseled healthcare providers regarding antitrust implications of joint venture transactions, the development of integrated networks, ACOs, managed care contracting, and price and cost surveys among competitors.

## Commercial Litigation

- 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. WTO's client won \$1.5 million, plus attorney fees.
- Defending a telecommunications company in a federal putative class action arising out of an alleged data breach.
- 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.
- 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.
- Represent 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.

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- Won a complete verdict in a bench trial in federal bankruptcy court involving claims of fraud alleged in a business divorce.
- Represented a Fortune 100 telecommunications company in a favorable appeal in the U.S. Court of Appeals for the D.C. Circuit, involving the application of Federal Communications Commission (FCC) regulations.
- *ThermaSol v. Gems Sensors* (Cal., Ventura Cnty. Super. Ct.) - 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.
- *Bristol Bay Productions v. Lampack* (Colo. Denver Dist. Ct. 2008) - 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.
- 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.
- 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.
- *Hammond v. Opler* (Colo. Boulder Cnty. Dist. Ct. 2008) - Obtained a favorable verdict and monetary damages in a one-week jury trial based on an extreme and outrageous conduct claim.

## Municipal

- 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 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

- *Horizon Park Partners v. Gator Horizon Partners* (Colo. Ct. App. 2016) - Won reversal of summary judgment against our client, a real estate developer, in a dispute over a reciprocal easement, the outcome of which will have a multimillion-dollar effect on the value of the property. The case was remanded to district court with orders to hear evidence at trial.

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- 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 major railroad company in connection with numerous right of way disputes, including quiet title and condemnation actions.
- *Scott v. Chicago Title Insurance* (Colo. Denver Cnty. Dist. Ct.) - 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.
- *Bailey & Bailey v. Koss* (Colo. Ct. App.) - Represented a property owner in the appeal of a quiet title action before the Colorado Court of Appeals.

## REPRESENTATIVE CLIENTS

City & County of Denver  
Colorado Ambulatory Surgery Center Association  
Comfort Dental Group, Inc.  
Denver International Airport  
SCL Health

## BAR & COURT ADMISSIONS

Colorado  
District of Columbia  
New York  
U.S. Court of Appeals for the District of Columbia Circuit  
U.S. Court of Appeals for the Tenth Circuit

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

### *Chambers USA*

Band 4, General Commercial Litigation - Colorado, 2018  
Up and Coming, General Commercial Litigation - Colorado, 2016-2017

### *The Best Lawyers in America*

Commercial Litigation, 2018-2019  
Antitrust Litigation, 2018-2019

### *Benchmark Litigation*

Under 40 Hot List, 2016-2017

### *Law Week Colorado*

Top Women Lawyers, 2016  
"People's Choice" Antitrust Lawyer, 2016-2017

### *Denver Business Journal*

"Forty Under 40," 2012

### *Colorado Super Lawyers*

Antitrust Litigation, 2017-2018

### *Colorado Rising Stars*

Business Litigation, 2009-2016

# KATHRYN A. REILLY

American Health Lawyers Association  
Antitrust Practice Group  
Colorado Lawyers Committee  
Board of Directors, 2008-2014  
Sixth Amendment Task Force  
Colorado Women's Bar Association Foundation  
Board of Directors, 2015-present  
Colorado Women's Bar Association  
Faculty of Federal Advocates  
Counsel/Co-counsel Program

## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Colorado Women's Bar Association Foundation  
Board Member, 2014-present  
Denver Kids Inc.  
Board Chair, September 2017-present  
Board of Directors, 2010-present  
Executive Committee, 2012-present  
Mentor, 2006-2014  
Colorado Judicial Institute  
Board Member  
University of Colorado Law School  
Dean's Advisory Council, 2013-present  
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

## ARTICLES & PRESENTATIONS

- CWBA: Grit Project, March 5, 2015.