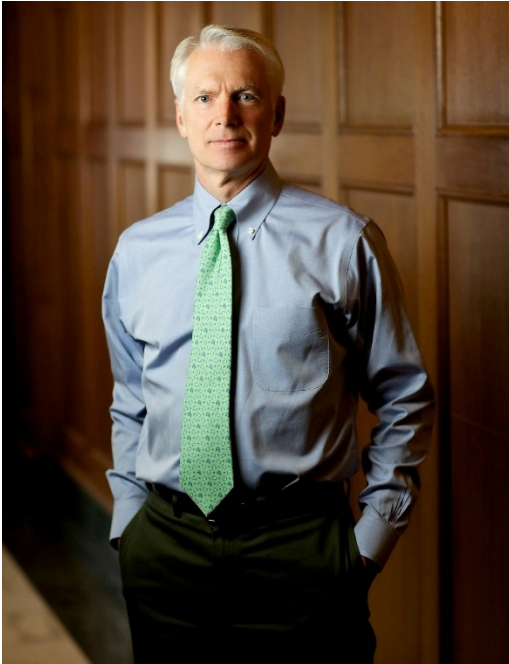


## Keith S. Dubanevich – Shareholder



Keith Dubanevich is an accomplished trial, appellate and healthcare lawyer with over 30 years of experience in more than a dozen different jurisdictions around the country. He focuses his practice on complex dispute resolution with particular emphasis in the healthcare industry. In the litigation arena Keith has extensive experience handling multi-state and international antitrust cases, consumer litigation and securities disputes. In the healthcare field, Keith has handled peer review disputes, partnership dissolution and incorporation matters and billing investigations. Keith has also led internal investigations for public entities as well as not-for-profit organizations.

Keith was previously Associate Attorney General and Chief of Staff at the Oregon Department of Justice where he led the creation of a civil rights unit, managed securities litigation including multiple cases against financial services companies, and supervised antitrust investigations and prosecutions. During his time with the Oregon Department of Justice, Keith was integrally involved with the adoption of legislation that expanded the

Unlawful Trade Practices Act and legislation that imposed a mediation requirement prior to non-judicial foreclosures.

Benchmark Litigation named Keith a Litigation Star for 208 stating, "Dubanevich has a mentality of "sticking up for the little guy," exhibited by his work in antitrust litigation and internal investigations." Additionally, a healthcare client stated for Benchmark Litigation that Keith has the "highest quality and professionalism."

### Representative Cases:

#### Antitrust:

- Defending two regional healthcare systems in antitrust suits brought by physicians in state and federal court.
- Recently settled a class action case in New Jersey challenging a cable company's unlawful tying of cable services with set top boxes.
- Defended Japanese company in multi-district and multi-state litigation alleging price-fixing and market allocation violations in the international parcel tanker shipping market. Lawsuits were filed in numerous state courts, and in foreign countries. No indictments were returned against Keith's client and the civil cases all settled after multiple appeals including an appeal from an order requiring arbitration of the direct purchaser disputes. *See JLM Industries, Inc. v. Stolt-Nielsen S.A.*, 387 F.3d 163 (2d Cir. 2004); *Stolt-Nielsen S.A. v. AnimalFeeds Internat'l Corp.*, 130 S. Ct. 1758 (2010).

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- Represented domestic shipping company against customer allocation allegations in multi-district litigation consolidated in Puerto Rico.

## Securities Fraud / Misrepresentation:

- Co-counsel in two securities fraud cases against major financial institutions: *JPMorgan Chase* and *Bank of New York Mellon*. The *Bank of New York Mellon* case settled for \$180 million and the *JPMorgan Chase* case settled for \$150 million.
- Represented the Oregon State Treasurer and the Oregon College Savings Plan against Oppenheimer Funds for Oregon Securities Law violations causing severe and immediate losses to the college savings accounts invested through the Plan. Oregon was the first state to sue for recovery of the losses and the first state to settle and return funds to the Plan. The Plan received over \$20 million in settlement.
- Supervised outside law firms handling class action securities cases involving billions of dollars in losses.

## Complex Litigation:

- Represented product supplier in an exclusive long-term contract dispute. Case settled for over \$20 million shortly before opening statements.
- Representing proposed class of victims in a data-breach case involving health insurance beneficiaries.
- Settled Telephone Consumer Protection Act class action claim against national food marketing company.

## ERISA:

- Represented health insurance plan beneficiaries with autism seeking to compel health insurance company to provide medically necessary care. The Court certified a class of beneficiaries and granted injunctive relief finding a policy exclusion in violation of state and federal law.
- Represented senior executive who sought severance benefits in arbitration after a merger of two public companies resulted in a substantial change in her responsibilities. The executive obtained a favorable award of severance benefits.

## Real Estate / Breach of Contract:

- Represented equity investors in ownership disputes pending in bankruptcy court. The case spawned multiple trials and dissolution of the corporate entity.
- Represented property developer in long-term lease/sale dispute.
- Represented real estate developer in separation dispute with former company. Case settled on terms favorable to all parties.

## Health Care:

- Negotiated partnership break-up and creation of new entity.
- Successfully defended national hospital chain at trial against exclusive dealing allegations.
- Obtained multiple summary judgment victories in defense of antitrust allegations arising from hospital medical staff privileges disputes.

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## Appellate:

- Argued *State of Oregon and Oregon Public Employees Retirement Fund vs. Marsh, Inc.* in Oregon Supreme Court in securities suit seeking to recover losses to the Fund due to fraud or material misstatements. Court ruled that reliance could be proven by fraud-on-the-market doctrine.
- Co-author of amicus briefs in the U.S. Supreme Court regarding the Affordable Care Act.

### Professional Experience:

- Stoll Berne; shareholder, 2012-present
- Oregon Department of Justice; Associate Attorney General and Chief of Staff, March 2012-September 2012; Chief of Staff and Special Counsel, October 2009-March 2012; Special Counsel, January 2009-October 2009
- Garvey Schubert Barer, Portland, Oregon; shareholder, 1998-2008
- Fulbright & Jaworski L.L.P., Houston, Texas; partner, 1992-1998; associate, 1983-1988, 1989-1992
- Hale & Dorr, Boston, Massachusetts; associate, 1988-1989

### Education:

- Tulane University School of Law, J.D., *cum laude*, 1983
  - Moot Court Board
  - Louisiana Trial Lawyers Award for Outstanding Advocacy
  - Order of Barristers
- Northeastern University, B.S., Public Administration, with high honors, 1980
- A.A. White Dispute Resolution Center, Mediation Certificate, 1997

### Admitted to Practice:

- Texas State Bar, 1983
- Massachusetts State Bar, 1990 (inactive)
- Oregon State Bar, 1998
- United States Supreme Court
- United States Courts of Appeal for the Second, Fifth and Ninth Circuits
- United States District Courts for the District of Oregon, Western District of Wisconsin, Southern District of Texas, Eastern District of Texas, Northern District of Florida, Southern District of New York, and the District of Connecticut

### Professional Activities:

- Oregon Law Commission, Commissioner, 2016-present
- Oregon State Bar
  - Antitrust and Trade Regulation Section Executive Committee, 2015-present
  - Business Litigation Section Executive Committee, 2002-2009; Chair, 2008; Chair-elect, 2007; Treasurer, 2007; Secretary, 2006
- American Bar Association
  - Antitrust and Litigation Sections, Member
- Owen M. Panner American Inn of Court, Master, 1998-2017

### Community Activities:

- Hoyt Arboretum Friends, Board of Directors, 2012-present; President, 2013-2017