

Keith A. Ketterling – Managing Shareholder



Keith Ketterling, one of the firm's managing shareholders, is a trial lawyer who represents institutional and individual investors in securities and financial fraud litigation. He also handles matters involving real estate litigation, securities class actions, trade secret and noncompetition litigation, and other complex business litigation. Keith brings a unique perspective to his cases in that he represents victims of financial fraud and, in other instances, defends selected clients who face allegations of financial or securities fraud. Thus, his practice provides him with a particularly useful perspective that is helpful in counseling clients as to the merits and risks of their specific cases.

Chambers USA: America's Leading Lawyers for Business, Best Lawyers in America, Benchmark Litigation, and Oregon Super Lawyers have all recognized Keith as one of the top Commercial Litigation lawyers in Oregon. He has also been recognized as one of Commerce Magazine's Rainmaker finalists and was honored with the title of "Mentor of the Year." Keith was recognized by his peers in *The Portland Business Journal's* "Best of the Bar" for his competency and professionalism in the field of business litigation.

Representative Cases:

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.
- Lead counsel representing investors in a \$600 million class action arising out of the collapse of Aequitas Capital Management.
- Regularly represents the State of Oregon and Oregon Public Employees Retirement Fund as Special Assistant Attorney General in seeking to recover losses to the Fund due to fraud or material misstatements. To date, Keith has recovered in excess of \$30 million on behalf of the State.
- 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. Keith recovered in excess of \$20 million on behalf of the Plan.

Real Estate / Breach of Contract:

- Represented property development company in breach of contract and specific performance action for right to purchase property on Mt. Hood. Obtained complete relief and damages after arbitration.

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- Represented property development branch of major insurance company in contract litigation involving the \$25 million purchase of moorages on the Columbia River. Obtained damage verdict and attorney fees award after trial.

Construction Defect:

- Obtained a \$3.9 million judgment against foundation subcontractor in "sinking building" case. The matter involved complex geotechnical issues. After obtaining settlements with two primary insurers, currently litigating bad faith claim against non-settling excess insurer.

Breach of Contract:

- Represented major California utility in challenge to \$250 million long-term energy contract. Case ultimately resolved on terms acceptable to client.

Complex Business Litigation:

- Represented and advised multinational steel company in various litigation throughout the United States and the United Kingdom. Successfully defended against claims including international interference with alleged \$90 million military equipment contract, breach of contract, common law fraud and securities fraud

Broker-Dealer / Intentional Tort:

- Represented national broker-dealer in defending contract and intentional interference claims by broker seeking \$18 million. Amount ultimately awarded against client was less than \$50,000 and significantly less than had been offered previously in settlement.

Securities Fraud:

- Represented numerous institutional investors in cases ranging from \$3 million to \$20 million in securities fraud cases, both in court and arbitration.
- Represented regional broker-dealer in defending securities fraud claims by investors in excess of \$20 million. Obtained favorable settlements at minimal relative cost to client.

Real Estate / Investors:

- Keith has successfully represented many investors owning interests in real estate securities, including LLCs and as tenants in common. Recently, he settled a significant case, involving three years of litigation and arbitration, against a major regional bank and a national broker-dealer.

Investment Advisor / ERISA:

- Represented registered investment advisor in arbitration by former customer seeking \$3 million for alleged violations of ERISA and Oregon Securities Law.

Noncompetition / Nonsolicitation:

- Represented national broker-dealer in numerous actions against former brokers acting in violation of noncompetition and nonsolicitation agreements. Obtained temporary and permanent injunctions and damages.

Real Estate / Promoters-Sponsors:

- Keith also represents two prominent real estate investment companies in the Pacific Northwest. He advises on securities issues, risk disclosures and other aspects, as requested. In addition, he regularly defends lawsuits relating to real estate transactions.

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Securities Class Actions:

- Represented, on numerous occasions, select clients sued as underwriters in securities class actions.

Professional Experience:

- Stoll Berne; associate, 1991-1995; shareholder, 1996-present; managing shareholder, 2001-present
- Vinson & Elkins LLP, Houston, Texas; associate 1987-1991

Education:

- University of Iowa College of Law, J.D., with Distinction, 1987
 - Journal of Corporation Law; Note & Comment Editor
- Western Michigan University, B.B.A., 1994

Admitted to Practice:

- Oregon State Bar, 1991
- United States District Court, Oregon
- United States Court of Appeals, Federal Circuit, 2009; Ninth Circuit, 2011

Professional Activities:

- Oregon State Bar
- Oregon Trial Lawyers Association
 - Board of Directors, 1999-2001
 - Business Litigation Section Chair; 1993; 1996-1997

Community Activities:

- Tillamook Forest Heritage Trust, Board of Directors, 2016-present
- Multnomah Athletic Foundation, Board of Directors, 2016-present
- Cycle Oregon, Board of Directors, 2010-2014; Vice President, 2012
- Stand for Children, Oregon Advisory Board & Political Action Committee, 2006-2011
- Lake Oswego Soccer Club, board member, 2004-2010
- Lake Oswego School Foundation, board member, 2005
- Campaign for Equal Justice, board member, 2003-2005; Advisory Board, 2006-present
- Community Transitional School, board member, 1999-2001