

E. Benton Keatley

COUNSEL

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Benton Keatley represents businesses and executives in complex commercial and bankruptcy-related litigation. Clients rely on Benton for strategic advocacy in disputes involving business torts, fiduciary duty claims and distressed or restructuring contexts.

Benton handles matters in federal and state courts, before federal agencies and in arbitration. His experience includes claims involving breach of fiduciary duty, contract disputes, fraud, trade secret misappropriation, unfair competition and statutory claims arising under federal intellectual property and computer fraud laws. He also has significant experience in bankruptcy and distressed litigation, representing trustees, creditors and other stakeholders in high-exposure disputes.

Clients value Benton's ability to tell their stories to courts, juries, and opponents. He is often relied upon to guide clients where the facts or the law are murky and unsettled.

By combining strong written and oral advocacy with practical judgment and personability, Benton helps clients protect their interests in complex and high-risk disputes. Before joining Polsinelli, Benton practiced in Washington, D.C., for five years with an AmLaw 10, international law firm.

Education

- Washington and Lee University School of Law (J.D., *magna cum laude*, 2010)
 - Senior Articles Editor for Washington and Lee Journal of Civil Rights and Social Justice
 - Co-Chair for Appellate Advocacy - Moot Court Executive Board
 - Member of Virginia Capital Case Clearinghouse
 - Omicron Delta Kappa
- Washington and Lee University (B.A. in Politics, *cum laude*, 2005)

Bar Admissions

- Virginia, 2010
- District of Columbia, 2012
- Missouri, 2017

Capabilities

- Appellate
- Commercial Litigation
- Litigation
- Bankruptcy & Distressed Litigation
- Telecommunications Litigation

Court Admissions

- U.S. Court of Appeals, Eighth Circuit
- U.S. District Court, Western District of Missouri
- U.S. District Court, District of Kansas
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Eastern District of Wisconsin
- U.S. Bankruptcy Court, Eastern District of Virginia

Recognition

- Named one of *Best Lawyers: Ones to Watch® in America* in Appellate Practice, 2023-2025

Clerkships

- Law clerk for the Honorable Duane Benton, U.S. Court of Appeals for the Eighth Circuit

Matters

Commercial, Fiduciary Duty and Statutory Disputes

- Won multimillion dollar arbitration award on behalf of closely held startup company against its CEO, as well as punitive damages, attorney's fees and cancellation of any ownership interest held by CEO.
- Successful defense of a national live music production and promotion company and its co-owners in a dispute involving naming rights, booking rights and other intellectual property matters related to a live music venue. Representation included prevailing in vigorous motion practice, leading to favorable settlement.
- Blocked unconstitutional order of the Kansas Corporation Commission on behalf of a major telecom company.
- Won summary judgment for publicly traded food manufacturer under co-manufacturing agreement.
- Authored winning brief in Eighth Circuit appeal on novel theories of False Claims Act liability concerning Medicare Advantage.
- Defeated emergency relief on eight-figure claims on emergency schedule in federal court, leading to favorable settlement through negotiations with CEO of publicly traded opponent and after-midnight negotiations with its Chief Legal Officer.

Bankruptcy and Distressed Litigation

- Obtained \$93 million verdict and defended it through vigorous post-judgment briefing through appeal to the Eighth Circuit, on claims for breach of fiduciary duty and conspiracy on behalf of Chapter 7 Trustee.
- Won dismissal with prejudice of RICO, fraud and avoidance claims brought by Chapter 11 debtor on behalf of pre-petition purchaser of Debtor's receivables.
- Favorably resolved claims against parent company and board of directors of Chapter 7 debtor, following advocacy described as "tide-turning" by former judge serving as mediator.

- Resolving offensive and defensive claims arising from destruction of a lab business, reaching result thought “impossible” by seasoned appellate judge serving as mediator.

Value-generating Advice

- Guiding boards of directors in best processes for proceeding with contested transactions.
- Counseling major companies on veil-piercing risks and mitigation measures in inter- and intra-company relationships.
- Advising companies pre- and post-acquisition on litigation risks and mitigation opportunities associated with acquired companies.

Matters prior to joining Polsinelli include:

- Drafted successful dispositive and other motions in multiple matters on behalf of a Fortune 10 company.
- Day-to-day leadership on internal and government-facing investigations of investigations for Fortune 100 company.
- Led the direct and collateral appeals from convictions in a highly-publicized, months-long murder trial as pro bono post-conviction counsel.
- Drafted key pleadings in the largest municipal bankruptcy in U.S. history, *In re City of Detroit*.

Publications

2021

The Zone of (In)solvency: Fiduciary Duties and Standards of Review for Corporations and Limited Liability Companies

Co-Author, American Bankruptcy Institute

May 2018

Courts Split on How to Determine Statutory Damages for Copyright Infringement