JONES&KELLER
ATTORNEYS AT LAW



# Colby Everett

SHAREHOLDER

**Email:** ceverett@joneskeller.com

**Phone:** 303-573-1600

Colby Everett is a **Denver trial lawyer** at Jones & Keller, P.C., where he leads a national litigation practice spanning **complex commercial litigation, data privacy defense, and employment law**. His courtroom experience cuts across nearly every category of business dispute, and he has represented clients in jury trials, bench trials, and arbitrations in jurisdictions throughout the country.

Colby's client roster reflects the breadth and sophistication of his practice. He counsels large healthcare providers and health systems, private equity firms, corporate executives, and high-net-worth individuals on matters where the stakes — financial, operational, and reputational — are significant. He regularly defends businesses in "bet-the-company" litigation. Clients turn to him not only when litigation is unavoidable, but well before disputes take shape: Colby brings sharp judgment and decisive energy to managing front-end risk, identifying exposure early, and structuring strategy to keep clients out of avoidable conflict.

What distinguishes Colby's approach is his commitment to understanding the client's business before shaping the legal strategy. He treats every engagement as an exercise in alignment — learning how the client operates, what drives its decision-making, and where its priorities lie — and channels that understanding into every recommendation he makes. He values resolving high-exposure matters efficiently and early when that serves the client's interests and is equally prepared to mount aggressive, sustained legal campaigns when circumstances demand it.

Colby earned his J.D. from the University of Kansas School of Law, where he served as Editor-in-Chief of the *Kansas Journal of Law & Public Policy*.

## Significant Representations

### LITIGATION

- Five-day jury trial on behalf of a healthcare consultant against health system in Denver District Court.
- Five-day employment arbitration on behalf of Montana health system involving millions in dispute.
- Co-led litigation team representing an elderly Denver woman in pro bono litigation after her home was unlawfully searched by Denver Police Department, securing the largest unlawful home search jury verdict in Colorado history — a win recognized with a "Litigator of the Week" shoutout from *ALM's Law.com* and broad national and local news coverage.
- Secured an emergency temporary restraining order and, subsequently, a preliminary injunction for a healthcare staffing company, prohibiting disclosure of the client's trade secrets resulting from a public records request.

- Secured a preliminary injunction against a former employee in a trade secret and non-compete action on behalf of a diagnostics laboratory.
- Secured a temporary restraining order against a former employee in a trade secret and non-compete action on behalf of a major dealer of agricultural products and machinery.
- Secured injunctive relief compelling access to business accounts and the funds therein on behalf of private equity portfolio company following asset purchase.
- Successfully opposed injunctive relief on behalf of private equity firm's portfolio company in which major automotive parts manufacturer sought to compel decades of future contractual performance.

## EMPLOYMENT

- Advocates for clients throughout the U.S. on traditional and complex employment matters, with particular focus on employee mobility, restrictive covenants, trade secret theft, corporate espionage, and unlawful competition.
- Represents highly compensated employees, executives, and coaches in high-exposure investigations and separations, including for-cause/no-cause departures, whistleblowing claims, retaliation claims, and severance agreements.
- Represented colleges and their employees nationwide in Title VI, VII, IX, and civil rights actions.
- Won, opposed, and negotiated multiple temporary restraining orders and preliminary injunctions at state and federal levels across the U.S.
- Counseled employees and companies on claims of employment discrimination, whistleblowing, retaliation, and legal compliance.
- Conducted human resources investigations on a wide array of topics.
- Advised on employer best practices related to employee retention and workplace culture.

## DATA PRIVACY

- Eliminated $370M claim under Missouri wiretap act through granted summary judgment motion on behalf of health system in Google Analytics privacy class action. *Doe v. Mosaic Health System*, Case No.: 22BU-CC01774-01 (Buchanan County, Missouri 2026).
- Defended health systems nationwide in pixel, website tracking, and other AdTech putative class actions.
- Defended health systems and companies across multiple industries in post-data-incident putative class actions, including vigorously defending through class certification and dispositive motions and settling claims on class-wide and individual bases.
- Defended AdTech privacy claims brought under various states' wiretapping and privacy laws.
- Represented companies and banks in UCC Article 4 claims.
- Won two motions to dismiss in separate actions for wholesale grocery company sued in the United States District Court for the District of Kansas, creating helpful precedent on standing within the 10th Circuit. In the first case, *Jenkins v. Associated Wholesale Grocers, Inc.*, Case No. 5:24-cv-04039-DDC-GEB, Doc. 22 (D. Kan. Mar. 5, 2025), Judge Daniel Crabtree held that a plaintiff lacked standing where he failed to make specific allegations of actual misuse of personal information he alleged was impacted by a data breach. After that dismissal, Jenkins' counsel refiled in the District of Kansas with a different plaintiff, *Toriana Patterson v. Associated Wholesale Grocers, Inc.*, Case No. 2:25-cv-02221-EFM-TJJ, Doc. 25 (D. Kan. Feb. 12, 2026). There, Patterson alleged she had a fraudulent loan taken out in her name following the data breach. District Judge Eric Melgren found that Patterson lacked standing because she could not connect the loan

allegations to the data breach and failed altogether to provide any factual details on the loan. These two wins add to a growing number of decisions within the 10th Circuit holding that allegations of emotional harm, loss of privacy, lost time and risk of future harm are all too speculative to open the courthouse doors under Article III.

- Successfully resolved multiple putative class actions filed against rural Oklahoma hospital system. *Andrade et al. v. Farmers Union Hospital Association*, Case No. 5:24-cv-01137 (W.D. Okla. 2024
- After filing motion to dismiss, successfully resolved putative class action on an individual basis against college following alleged data incident. *Garcia v. St. Augustine College*, 1:22-cv-04240 (N.D. Ill. 2022).
- Successfully defeated FCRA putative class action through striking class allegations at pleading stage. *Stacker v. Intellisource, LLC*, 6:19-cv-01033 (D. Kan. 2020).
- Secured post-filing, voluntary dismissal of fraud and negligence claims against online realty platform based on immunity under Section 230(c) of the Communications Decency Act. *Confidential.*
- Successfully resolved, on a class-wide basis, two class actions against global optical company based on differing facts arising out of back-to-back data incidents. *Confidential.*

## HEALTHCARE REGULATORY AND COMPLIANCE

- Counseled and represented health systems nationwide on emerging data privacy issues, including website-tracking technologies.
- Represented health systems nationwide in putative, data privacy class actions following data incidents involving third-party, criminal threat actors.
- Represented compounding pharmacies in disputes before multiple state boards of pharmacy, including Kansas, Missouri, New Mexico, Arizona, Colorado, Pennsylvania, Idaho, and California.

## REAL ESTATE AND CONSTRUCTION

- Counseled and represented commercial and multifamily residential property owners and REITs on construction issues and in construction litigation.
- Provided property management guidance and representation in risk management, landlord-tenant relationships, and federal, state, and municipal housing fairness matters.

## PROFESSIONAL & COMMUNITY AFFILIATIONS

- Colorado Bar Association
- Kansas Bar Association
- Missouri
- Montana

## ADMISSIONS

- Colorado
- Kansas
- Missouri
- Montana

## LICENSED IN

Colorado

Kansas
Missouri
Montana

## EDUCATION

J.D., University of Kansas School of Law *(Editor-in-Chief, Kansas Journal of Law & Public Policy)*

James P. Mize Excellence in Trial Advocacy Award (*given to the student showing the most promise as a trial advocate in practice*)

## PRACTICE AREAS

Business & Corporate
Data Privacy
Healthcare
Labor & Employment
Litigation/Commercial Litigation
Mergers and Acquisitions
Real Estate & Construction