

Robert K. Beste

Partner

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OVERVIEW

Robert Beste is a partner and a member of the Commercial Disputes practice group who concentrates his practice on corporate and commercial litigation in the Court of Chancery, the Complex Commercial Litigation Division of the Superior Court, and the United States District Court for the District of Delaware. Rob regularly represents corporations, boards of directors, investors, fiduciaries, and alternative entities in the full range of disputes litigated before those courts.

Rob is a detail-oriented trial lawyer with a record of success in each of Delaware's trial courts. Rob has extensive experience in trial work and focuses on corporate and entity litigation, business valuation, electronic discovery, brief writing, and effective argument and presentation at all stages of a dispute. Rob is well-versed in the procedural and substantive nuances of Court of Chancery practice, including expedited and summary proceedings, and regularly pursues matters through trials and appeals. Rob's work includes representing corporations, entities, fiduciaries, investors, and contracting parties in a wide range of corporate litigation, including fiduciary duty and class actions, governance disputes, appraisal actions, books and records actions, director election contests, contract disputes, and similar matters. Rob also devotes a significant portion of his practice to disputes involving non-compete covenants, trade secrets, and similar restrictive agreements, regularly seeking pre-trial injunctive relief.

Recently, Rob successfully defeated a claim seeking US$85 million in lost profits, instead obtaining US$2 million on counterclaims, in a breach of contract dispute. The parties bitterly disputed the matter, which required that Rob's clients file nineteen discovery-and trial-related motions. Rob personally took or defended twenty-three depositions, handled the financial professionals of both parties, personally found the accounting-related wrongdoing at issue in the matter, and tried the case leading a team of two other lawyers.

Rob tried the first contested matter to reach judgment under Delaware's then-new statute allowing the Court of Chancery to review and validate defective corporate acts, 8 *Del. C.* § 205. After trial, the court retroactively validated numerous problematic stock issuances and re-established Rob's clients' voting control of the company.

Rob has been practicing in Wilmington since 2000 and immersed in the legal field since working at law firms in his early teens. Rob is the proud father of two and lives in Wilmington with his wife of over twenty years, who also is a Delaware lawyer, and both Rob and his wife were raised by lifelong Delaware lawyers.

PROFESSIONAL BACKGROUND

Judicial clerk for The Honorable Joseph R. Slights III in Delaware's Superior Court.

PROFESSIONAL / CIVIC ACTIVITIES

- Richard S. Rodney Inn of Court
- Litigation Counsel of America

EDUCATION

- J.D., Widener University School of Law, 2000
- B.A., West Virginia University, 1997

ADMISSIONS

- Bar of Delaware
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of Delaware

NEWS & EVENTS

- 27 March 2025, K&L Gates Expands Litigation Practice With Wilmington Partner Addition

AREAS OF FOCUS

- Commercial Disputes
- Appellate Litigation
- Class Action Defense
- Financial Institutions and Services Litigation
- Transactional Disputes

REPRESENTATIVE EXPERIENCE

- Obtained judgment for petitioners in a Court of Chancery statutory appraisal action, securing US$0.66 per share above the merger price — a rare outcome in which the court declined to adopt the negotiated merger price as fair value in an arm's-length, third party transaction. Successfully cross-examined the company's

financial expert and presented the petitioners' merger process expert, both of which were critical to the court's ruling.

- Secured a US$4.6 million class action settlement on behalf of common stockholders in a fiduciary duty action before the Court of Chancery, following a post-trial decision that has become one of the court's most frequently cited opinions on the duties owed by boards and preferred stockholders.
- Tried one of the first contested matters to reach judgment under 8 Del. C. § 205, Delaware's statute permitting the Court of Chancery to validate defective corporate acts. After trial, obtained a ruling retroactively validating the challenged stock issuances and restoring clients' voting control of the company.
- Secured a judgment for US$931,293 on a breach of contract claim following a bench trial in the United States District Court for the District of Delaware.
- Obtained a judgment on the pleadings for more than US$1.5 million on a breach of contract claim, then successfully defended that judgment on appeal to the Delaware Supreme Court.