



Matthew S. Tamasco

Partner

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A litigator and business attorney, Mr. Tamasco has a diverse legal practice representing manufacturing, financial services, technology, aviation and insurance companies in a broad array of areas including product liability, employment law, intellectual property and corporate matters. Calling upon his prior experience in the field of computer network management, Mr. Tamasco also serves as e-Discovery liaison for the New York office. He previously served as Litigation Partner-in-Charge and Hiring Partner for the New York Office and continues to act as a mentor to associates of the firm at every opportunity.

Mr. Tamasco represents companies in asbestos, product defect and personal injury cases throughout the country. In addition, he serves as national coordinating and trial counsel for commercial equipment manufacturers and technology consulting companies.

He represents a number of closely held corporations as corporate counsel in the negotiation and drafting of various contracts and as litigation counsel in shareholder and intellectual property disputes.

Mr. Tamasco has extensive experience defending and advising employers on employment-related matters including wage-and-hour, FMLA, ADA, restrictive covenant, discrimination and sexual harassment claims.

In addition, he regularly appears in the U.S. Bankruptcy Court for the Southern District of New York with respect to various creditor claims and adversarial proceedings pending in the jurisdiction. He has experience litigating various bankruptcy issues including disputes that have arisen with respect to various executory contracts, issues of jurisdiction and debtor's rights to assets, successor liability issues related to

asset acquisitions that have arisen from mergers, bankruptcy workouts and court approved asset sales and liquidations in addition to enforcement of statutory litigation stays.

Representative Matters

Commercial Litigation

- Represented a medical insurance carrier against breach of contract claims brought by a group of medical providers and quickly obtained an injunction protecting the personal and medical information of the insureds under HIPPA. Saved the client money by obtaining summary judgment early and avoiding costly discovery.
- Represented an international electronics manufacturer in breach of contract and fraud litigation against a regional reseller who converted and disposed of equipment inventory without payment. Obtained a favorable default judgment that included treble damages.
- Represented an IT consulting firm in a shareholder action that involved Lanham Act claims and obtained a voluntary dismissal following removal of the action to federal district court.
- Represented a closely held IT services corporation in the protection of intellectual property assets and successfully defended against claims brought by ex-business partners and employees alleging prior ownership of intellectual property in addition to claims seeking a grant of equity in the company. Obtained pre-answer dismissal of tortious interference and frivolous lawsuit cross-claims.
- Represented a closely held company against claims of fraud and breach of a share purchase agreement by a seller of shares in a predecessor company. Obtained a voluntary dismissal during mediation.
- Represented an investment firm with respect to confusing trade and service marks by a firm suspected of engaging in illegal activity and obtained an offer of a confession of judgment immediately following service of process.
- Represented a fitness center with respect to the enforcement of a non-competition covenant antecedent to the purchase of a business.
- Represented international and domestic computer consulting firms in employment claims arising out of various business acquisitions and mergers. Filed for early summary judgment on first case in effort to obtain voluntary dismissals in related litigation.
- Represented an online retailer in a breach of contract suit related to a failure to provide deliverables in marketing cooperative agreement. Negotiated a settlement that provided for continuation of services to the benefit of the client.

Product Liability and Mass Tort

- Serves as national asbestos coordinating and trial counsel for several manufacturers with trial experience in New Jersey, New York, Pennsylvania and California.

- Represents manufacturers and suppliers of various products including boilers, pumps, compressors, valves, friction products, printing presses, electrical products, heat exchangers, mufflers, joint compound, automotive batteries, gaskets and sealing materials in asbestos litigation.
- Represented a food process equipment manufacturer in asbestos litigation and obtained voluntary dismissals in all remaining claims pending against the manufacturer in certain jurisdictions based on testimony elicited from the first group of plaintiffs.
- Represented manufacturers of printing presses, food equipment and heavy construction equipment in defective design and failure to warn litigation.
- Successful enforcement of bankruptcy stay and litigation of successor liability issues on behalf of an industrial equipment manufacturer that purchased legacy manufacturing assets and obtained dismissals in all pending actions.

Premises Liability and Personal Injury Litigation

- Represented a service station in MTBE spill litigation and obtained a favorable jury verdict finding no liability with respect to the target client and with respect to the state's request for over a decade worth of statutory penalties.
- Represented a municipality and transportation contractor in a sexual assault case and avoided a costly trial by obtaining summary judgment based solely on the pre-trial testimony of plaintiff.
- Represented a food retailer against a claim of personal injuries sustained by an infant and obtained summary judgment based solely on the pre-trial testimony of plaintiff's witnesses.
- Represented a major municipality in the defense of claims for property damage related to the failure of a bulkhead due to hydraulic pressure at a major construction site and obtained a voluntary dismissal prior to trial.
- Represented airplane manufacturers in personal injury actions related to the failure of component parts.

Corporate Representation

- Represented a growing insurance brokerage firm in multiple business acquisitions and corporate governance matters; negotiated and drafted various shareholder, operating employment and non-competition agreements.
- Represent businesses and property management firms in commercial lease litigation with respect to termination of sub-tenants, habitability issues, unilateral termination and fitness for possession claims.
- Provided *pro bono* advice to a sports-related non-profit organization and drafted sports participation liability releases and media releases.
- Counseled a start-up manufacturing company on the drafting of securities offering statements and confidentiality agreements. Advised client on patent and intellectual property issues arising from issuance of equity ownership shares.
- Represented a renowned interior design firm in the defense of a breach of contract and fraud

action arising from the design and improvement of a luxury residential property. Obtained a partial pre-answer dismissal striking all fraud-based claims and factual allegations resulting in favorable settlement on remaining breach of contract claim.

- Represented a medical device company with respect to a third-party subpoena related to a patent infringement action and successfully avoided joinder in the underlying litigation.
- Represented a materials testing company with respect to a criminal investigation brought by the state attorney general's office relating to state approved no-bid contracts where a competitor alleged that the client's service professionals did not possess the proper certification to perform structural steel inspections.

Education

- Seton Hall University School of Law, J.D., 2001
- Seton Hall University, B.S., 1994

Bar Admissions

- New York, 2002
- New Jersey, 2001

Court Admissions

- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

Professional Affiliations

- New Jersey State Bar Association
- New York County Lawyers Association
- Seton Hall University School of Law, member, Class of 2001 Alumni Committee, New York City Chapter Committee
- Member of the Sports and Fitness Industry Association Legal Task Force
- The David D. Hammar Foundation Volunteer and Pro Bono Counsel

Practices

- Litigation
- Product Liability

Industries

- Aviation
- Sports