



Matthew B. Byrne, Shareholder

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Matthew Byrne practices in all areas of business litigation and frequently represents clients in complex commercial cases. Before coming to Vermont, Matt was a partner at Kirkland & Ellis, LLP, a large Chicago law firm. He has appeared in both federal and state courts across the country.

Matt's practice covers all facets of business litigation, including First Amendment litigation, failed merger litigation, federal securities class actions, derivative suits, federal preemption claims, environmental contamination litigation, insurance coverage, permitting of electricity generators, contract disputes, trademarks, trade secrets, non-competition, non-solicitation, technology, unfair competition, and personal injury cases. Matt has tried cases to completion before jurors, courts, and arbitration panels. He has sought and received emergency relief in a number of different factual contexts and judicial forums.

EDUCATION

University of Chicago Law School, J.D. 1998, with honors

University of Vermont, B.A. 1995, with honors

HONORS

Listed in *Chambers USA: America's Leading Lawyers for Business* since 2011

Named as a "litigation star" in Benchmark's *Guide to America's Leading Litigation Firms and Attorneys* since 2010

REPRESENTATIVE MATTERS

"BET THE COMPANY" LITIGATION

Obtained a permanent injunction after a trial on the merits for owners of a nuclear power plant who claimed that Vermont statutes were preempted by the Atomic Energy Act and the Federal Power Act. A copy of the opinion is [here](#).

Secured a decision from the Second Circuit Court of Appeals affirming that these Vermont statutes were preempted. A copy of the decision is [here](#).

Served as Vermont attorney for health information publishers who obtained a decision from the United States Supreme Court invalidating a Vermont statute that violated the First Amendment. A copy of the opinion is [here](#).

Served as Vermont attorney for large automobile manufacturers and local dealers in a month-long trial challenging fuel economy regulations.

Obtained dismissal with prejudice of a 10b-5 securities class action brought against officers and directors of a publicly-traded company. A copy of the opinion is [here](#). The Second Circuit affirmed this decision in a summary order.

Represented a large biotechnology company after the Department of Justice refused to approve a merger and the target company sued. The case was successfully resolved when the company reacquired the target on superior terms and obtained approval for the new deal.

FIRST AMENDMENT LITIGATION

Successfully represented trade organizations challenging a statute imposing labeling requirements for genetically engineered food.

Obtained a dismissal and first-ever award of attorneys' fees by a Vermont state court under Vermont's anti-SLAPP law. A copy of the opinion is [here](#).

Procured access for Vermont newspapers to video recordings of a police chase and shooting and to personnel records concerning the viewing of pornography by city employees at work. A copy of the opinion is [here](#).

Secured a dismissal of a claim for equal access to online streaming of a newspaper's political debate.

GENERAL COMMERCIAL LITIGATION

Obtained a decision from the Second Circuit Court of Appeals that permitted a large captive insurance broker to proceed to trial on a constructive trust claim in a federal criminal forfeiture case. A copy of the opinion is [here](#).

Conducted an internal investigation for a large company who had an employee engage in embezzlement.

Acquired a temporary restraining order and preliminary injunction for a mechanical contractor after former employees took confidential information and started a competing company. Using computer forensic evidence, we were able to recover deleted e-mails showing that the employees had taken proprietary information and unfairly competed with their former employer.

Assisted a former Vermont railroad who encountered problems when an adjacent land owner started to construct a building on the railroad's property. We quickly obtained a preliminary injunction barring further construction and helped our client resolve the boundary dispute on favorable terms.

Recovered a \$7 million printing press from a customer who had fallen behind on payments to a commercial printing manufacturer.

Represented a national restaurant business in trade secret misappropriation case with hundreds of millions of dollars in claimed damages.

Represented an industrial gas manufacturer who was involved in an accident that caused third degree burns over 40% of a victim's body. We successfully sued a third party for indemnification and ensured that our client received payment under an applicable insurance policy.

Acted as an attorney for a franchisee in a preliminary injunction proceeding involving a non-competition clause. After expedited discovery and a contested evidentiary hearing, the franchisee settled on favorable terms and retained the right to sell the product in question.

Represented a national restaurant chain in a preliminary injunction proceeding to force a franchisee to meet quality control guidelines.

VERMONT PUBLIC SERVICE BOARD MATTERS

Represented owners of a wholesale nuclear power plant in front of the Vermont Service Board in the following matters: Docket 7862 – Relicensing of Vermont Yankee; Docket 7964 – Blackstart Diesel Generator; and Docket 8300 – Second ISFSI Installation.

Provided advice to a venture capital fund regarding a potential acquisition of an energy company.

Provided advice to a wind turbine manufacturing company regarding the Vermont Public Records Act.

Supervised attorneys seeking certificates of public good for renewable energy projects.

MEMBERSHIPS & AFFILIATIONS

Lake Champlain Regional Chamber of Commerce Board of Directors

Lake Champlain Regional Chamber of Commerce Legislative Affairs Committee and Energy Subcommittee
Vermont Business Roundtable

PUBLICATIONS

Robert B. Hemley and Matthew B. Byrne, *Survey of Vermont Employment Libel Law*, Media Law Resource Center, 2010- 2016

Robert B. Hemley and Matthew B. Byrne, *Survey of Vermont Employment Privacy Law*, Media Law Resource Center, 2010-2016

Robert B. Hemley and Matthew B. Byrne, *Survey of Vermont Libel Law*, Media Law Resource Center, 2010-2016

Robert B. Hemley and Matthew B. Byrne, *Open Records and Meeting Laws in Vermont*, Reporters Committee for the Freedom of the Press, 2010

Matthew B. Byrne, *The Benefits of Using a Small Firm*, ABA Corporate Counsel Web Site, 2010

PRESENTATIONS

Immunity, Vermont Bar Association, March 2016

Genetic Engineering and the First Amendment, Vermont Bar Association, January 2015

The Open Meetings Act, Lorman Education Services, June 2014
Vermont Public Records Act: Criminal Investigations, Lorman Education Services, June 2014
Discovery of Electronically-Stored Information, Vermont Bar Association, March 2014
Trade Secret Misappropriation, Vermont Bar Association, March 2012
Vermont Public Records Act, Vermont Bar Association, January 2012
Admissibility of Electronic Evidence, Vermont Bar Association, October 2010
Vermont Court Structure, Vermont Bar Association, October 2009
Litigation 911: A Practical Guide to Emergency Relief, Vermont Bar Association, January 2009

BAR ADMISSIONS

Illinois (1998)
U.S. District Court, Northern District of Illinois (1998)
U.S. Court of Appeals for the Seventh Circuit (2000)
Vermont (2006)
U.S. District Court, District of Vermont (2006)
U.S. Court of Appeals for the Second Circuit (2007)
U.S. Supreme Court (2010)

PRACTICE AREAS:

- Alternative Dispute Resolution
- Antitrust Litigation
- Energy, Telecom & Utilities
- First Amendment
- General Business Litigation
- Health Law
- Intellectual Property
- Products Liability & Personal Injury
- Regulatory Investigations