Matthew A. Hoffman

Partner

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Los Angeles



Matt Hoffman is a partner in the Los Angeles office of Gibson, Dunn & Crutcher. He practices in the firm's Litigation Department and is a member of its Insurance and Reinsurance, Labor and Employment, Environmental, and Class Actions Practice Groups.

Matt specializes in civil trials in both federal and state courts, with a principal focus on complex insurance and reinsurance disputes. He has successfully represented some of the world's leading insurance companies in a wide variety of coverage litigation. Currently, he is serving as the national coordinating counsel for a national insurer dealing with sexual abuse coverage claims. His exceptional achievements have earned him the prestigious "Insurance MVP" distinction from *Law360*.

Matt has extensive experience in labor and employment cases, environmental and mass tort litigation, products liability, product recall, consumer fraud class actions, unfair competition, legal malpractice defense, and arbitration (both domestic and international). His litigation experience includes work for companies in the insurance, food and beverage, oil and gas, pharmaceutical, medical device, automotive, education, telecommunications, health care, and utility industries. Recently, Matt has handled a number of high profile sexual abuse and sexual harassment cases.

Matt also has significant expertise in American Indian Law and litigation against Native American tribes in federal, state, and tribal courts across the United States.

Matt has tried numerous civil jury and non-jury cases to successful conclusions in California and throughout the country, and has arbitrated disputes before the London Court of International Arbitration, the CPR Institute for Dispute Resolution, and the American Arbitration Association.

Representative Insurance and Reinsurance Cases

- National coordinating counsel for leading insurer regarding coverage for sexual abuse claims. This involves representing the insurer in high profile litigations across the country (which cases often involve dozens of insurance policies spanning several decades), and coordinating coverage positions across the multiple jurisdictions to ensure consistency and a cohesive strategy.
- Won summary judgment in favor of leading insurer regarding insurance coverage for government opioid lawsuits against a pharmaceutical distributor. The Ninth Circuit affirmed the judgment on appeal, finding that the insurer had no duty to defend the opioid lawsuits because the suits alleged the pharmaceutical distributor engaged in deliberate conduct that was not an accident. This decision was the first of its kind among the federal courts of appeal and will play a significant role in ongoing coverage litigation relating to thousands of opioid lawsuits.
- Won summary judgment for a leading insurer in complex coverage action involving

Capabilities

Litigation
Class Actions
Consumer Products and Retail
Environmental
Higher Education
International Arbitration
Labor and Employment
Life Sciences

Credentials

Education

Harvard University - 2003 Juris Doctor
Duke University - 1995 Bachelor of Arts

Admissions

California Bar

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thousands of bodily injury claims against a dialysis products manufacturer and dozens of primary and excess policies stretching across more than a decade.

- Represented reinsurer in coverage dispute with cedent regarding asbestos and environmental contamination claims under several reinsurance treaties.
- Won summary judgment for trust company in connection with embezzlement by former employee, whereby the District Court imposed a constructive trust over life-insurance proceeds for which policy premiums were paid with the fraudulently obtained funds.
- Defended major insurance company against a national U.S. bank claiming mortgage insurance claims were wrongfully denied and successfully prosecuted sanctions trial against same U.S. bank for destruction and alteration of evidence.
- Represent excess carrier and reinsurer in evaluating exposures under various casualty liabilities policies issued to oil and gas companies, including leading joint defense group in regards to claims for coverage to recover losses arising from groundwater contamination.
- Represented excess carrier and reinsurer in evaluating potential exposures on excess liability insurance written for all major pharmaceutical manufacturers. Advised on coverage issues relating to numerous policyholders and represented excess carrier and reinsurer in arbitration proceedings arising from claims under several excess insurance policies.
- Favorable settlement for leading insurer in an insurance and reinsurance dispute alleging mishandling of workers' compensation claims, and bad faith premium manipulation

Representative Labor and Employment Cases

- Defended private school against multiple lawsuits alleging negligent hiring, retention and supervision and ratification of sexual abuse of students by a former teacher. Achieved favorable settlement.
- Defending university against dozens of lawsuits in multiple jurisdictions alleging negligent hiring, retention and supervision of university doctor accused of sexual abuse.
- Represented music mogul and his portfolio of businesses in arbitration involving allegations of sexual abuse, sexual harassment, hostile work environment, retaliation, and intentional infliction of emotional distress. Achieved favorable settlement.
- Dismissal with prejudice of lawsuit against celebrity client alleging sexual battery and sexual harassment.
- Represented leading microchip company in lawsuit against former CEO for breach of his severance agreement.
- Defended manufacturer in class action lawsuit alleging wage and hour violations of the California Labor Code and PAGA claims. Achieved favorable settlement.

Representative Cases Involving American Indian Law and/or Native American Tribes

- Won dismissal of dozens of COVID-19 business interruption insurance cases brought by Native American tribes in federal, state, and tribal courts, including a victory in the Oklahoma Supreme Court in one of the first COVID-19 insurance case to reach a state's highest court.
- Representing multinational health insurance and services company in multiple federal cases brought by Oklahoma tribes alleging violations of the Indian Health Care Improvement Act (IHCIA).
- Defended Arizona Department of Gaming in lawsuit alleging violations of the Indian Gaming Regulatory Act (IGRA). Achieved favorable settlement.

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- Representing client in several federal court challenges to the exercise of tribal court jurisdiction over non-tribal members.

Other Representative Trials and Litigation

- Defended U.S. food manufacturer in a mass tort action involving allegations by hundreds of homeowner plaintiffs that odors from client's manufacturing facility constituted a legal nuisance that resulted in personal injuries and property damage. Obtained complete defense verdict in ten-week jury trial.
- Won motion to dismiss for major food manufacturer in an Alien Tort Statute case alleging that the company aided and abetted the use of child slave labor in its supply chain.
- Won summary judgment for the University of Southern California in a federal civil rights lawsuit brought by former students against the university and the Los Angeles Police Department regarding the response of university security and LAPD officers to a college party.
- Represented New Jersey Governor Chris Christie and the State of New Jersey in federal action brought by the NCAA, MLB, NFL, NBA, and NHL alleging violation of the Professional and Amateur Sports Protection Act (PASPA). Won Supreme Court ruling that PASPA was unconstitutional, allowing legal sports gambling in New Jersey.
- Complete defense verdict following bench trial for national commercial mortgage lender in two consolidated nationwide securities class actions. Represented same mortgage lender in a separate class action, which was settled favorably during trial.
- Defended oil company in a lawsuit brought by City Attorney for the City of Los Angeles alleging that odor and other emissions from its oil production facility have caused debilitating health effects in the community.
- Summary adjudication of trespass, bodily injury, and punitive damages claims in a toxic contamination case, resulting in plaintiff dismissing the lawsuit within hours after the granting of summary adjudication was announced.
- Defended shopping mall against claims for antitrust violations, tortious interference, and unfair competition arising from alleged contacts with potential tenants of a competing shopping mall. The antitrust and unfair competition claims client were dismissed at trial, and the remaining claim was settled after a jury verdict.
- Dismissal with prejudice of multimillion-dollar legal malpractice lawsuit on behalf of national law firm.
- Won denial of permanent injunction against medical device manufacturer notwithstanding prior verdict of patent infringement.
- Defended major U.S. pet food manufacturer in multi-district litigation involving over 200 consumer class actions alleging food contamination.
- Represented medical device manufacturer in arbitration involving licensing dispute with competitor medical device manufacturer.
- Favorable settlement for manufacturer of commercial piping in consumer class action alleging unfair business practices.
- Favorable settlement of trade secrets dispute for medical device manufacturer.
- Represent numerous U.S. food and beverage manufacturers in consumer class actions alleging violations of California's Unfair Competition and False Advertising Laws.

Education and Background

Matt earned his law degree from Harvard University in 2003, where he was a member of

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the Board of Student Advisors and instructed first year law students in legal research and writing. He received a B.A. degree *cum laude* in Political Science and Russian from Duke University in 1995 and was a member of the Naval Reserve Officer Training Corps (NROTC).

Prior to attending law school, Matt served as a U.S. Naval Intelligence Officer, with tours at the Pentagon (1998-2000), Miramar (1996-1998) and Rota, Spain (1995). During his service, Matt participated in Operation Southern Watch in the Arabian Gulf aboard the *U.S.S. Constellation*, conducted counter-narcotics operations in the Caribbean, and trained at the Naval Strike and Air Warfare Center ("Top Gun"). He received both the Navy Commendation Medal and the Navy Achievement Medal and completed his Navy service in March 2005 at the rank of Lieutenant Commander.

Matt is a Fellow of the Litigation Counsel of America, a trial lawyer honorary society, and the Complex Commercial Litigation Institute. He also is a member of the Association of Business Trial Lawyers and Veterans Bar Association.

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