



MATTHEW BRYANT / PARTNER

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EDUCATION

- The George Washington University Law School, (J.D., 2002 with honors)
- The University of Oregon (B.A., 1998 cum laude)

PRACTICE AREAS

- Commercial Litigation
- Employment
- Insurance & Insurance Litigation

Matt is a highly-rated attorney trial and appellate attorney that other attorneys often turn to with tough cases. Matt enjoys being a switch-hitter representing clients on either side of the aisle across a wide spectrum from other attorneys and professionals, entry-level to C-suite employees, small family-owned business to Fortune 500 companies. His bold strategy, dual experience, and commitment to client service have earned him perfect scores on Martindale and Avvo and even higher high-praise from clients: “Excellent professional,” “Patient, hardworking and strong,” and “Matt is unlike any lawyer I’ve ever encountered,” and “we never imagined such an attorney as he existed”, are just a few examples.

Matt’s core practices at RMF include employment, labor & human rights, commercial matters, insurance & reinsurance coverage and bad-faith litigation, professional malpractice & discipline.

Employment, Labor, & Human Rights

- In *O’Hara v. Good Samaritan Hosp.*, No. 601809/2020 (Sup. Ct. Suff. Mar. 5, 2021), Matt represented a senior trauma surgeon who suspected she was mistreated after a demotion and pay cut. Matt’s aggressive but reasonable tactics allowed the parties to avoid litigation before issue was joined.
- Before Taylor Raynor won her first election representing the people of Hempstead, Matt counseled her through a private employment dispute in the last position she held prior to office. Matt’s aggressive but reasonable tactics included filing FLSA, Title VII, Labor Law and Human Rights claims in Queens Supreme on behalf of Ms. Raynor and her cousin, which the parties brought to a successful resolved after removal in the matter of *Raynor et al v. Radium et al*, No. 19 CV 4429 (E.D.N.Y. Dec. 23, 2019).

- In *Newby v. GVC II, et al.*, No. 17 CV 9742, 2018 WL 1989588 (S.D.N.Y. Apr. 25, 2018), the employer's long-standing counsel engaged Matt when the plaintiff escalated his years'-long age discrimination complaint to federal court. Matt successfully and efficiently obtained dismissal of the federal claims based on collateral estoppel from the plaintiff's unsuccessful State Court challenge to the New York City Commission on Human Rights investigation.
- In *Charles River Management v. Casiano*, No. 153114/2015, 2018 WL 321664 (Sup. Ct. NY Jan. 8, 2018), Matt turned the tables on his client's former employee who had filed and withdrawn gender, sexual harassment, disability, and retaliation charges in the Division of Human Rights to pursue dangerous litigation in plaintiff-friendly Bronx Supreme Court. Matt preempted the strategy and proved the adage that the best defense is a good offense: he sued the employee in Manhattan seeking a declaration that the employment determinations were lawful and non-discriminatory. After discovery, the Court agreed with Matt, granted summary declaration, and dismissed the discrimination, retaliation, and common-law counterclaims without incident.
- In *Bernardino v. Nicolina Concrete Products, Inc.*, No. 12 CV 01502 (E.D.N.Y. Apr. 4, 2014), Matt litigated Ms. Bernardino's shocking ADA, FMLA, Title VII, and HR claims against her former employer when she was terminated immediately following her request for leave to attend chemotherapy treatment. His aggressive strategy through depositions allowed the parties to obtain a confidential pre-trial settlement.

Commercial Practice

- In *Pruss v. AmTrust North America, Inc.*, No. 150223/2018 (Sup. Ct. NY Oct. 6, 2020), Matt analyzed a purported fraud claim brought against the Third-Party Administrator for an insurer subject to California liquidation orders that jeopardized a seriously injured accident victim collecting benefits under a years-old liability settlement. Matt aggressively attacked serial pleadings in New York, citing an order enjoining such actions from the Superior Court of California under the Full Faith and Credit Clause, which allowed the parties to resolve the matter in California with the necessary approval while carving out related New York claims to ensure the non-participating parties for continued contribution.
- In *The Glazier Group, Inc. v. Nova*, No. 159101/14, 2018 WL 4931805 (Oct. 5, 2018), Matt was brought in as co-counsel to confront an aggressively litigated Sandy flood damage case on behalf of the broker who allegedly failed to place a specialty-lines flood coverage. Matt aggressively attacked the amended complaint obtaining dismissal of the serial tort claims, including negligent misrepresentation, fraud, and breach of fiduciary duty, which allowed the parties to achieve early resolution without completing discovery.
- In *Excess Line Association of New York v. Waldorf & Associates*, 30 N.Y. 119 (2017) *affirming* 130 A.D.3d 563 (2d Dept 2015) *affirming* 40 Misc.3d 759 (Suff. Co. Sup. Ct. May 3, 2013), the court adopted Matt's lack-of-capacity analysis. It dismissed ELANY's novel enforcement action for excess line fraud, Consumer Protection Act, and Anti-Trust claims against member-brokers, which the Court of Appeals upheld.

- In *AmTrust North American, Inc. v. Safebuilt Insurance Services, Inc.*, No. 16 CV 6033, 2016 WL 6561548 (S.D.N.Y. Nov. 3, 2016), Matt's strategy as co-counsel leveraged an early resolution of a complex alter ego litigation – one that spawned nationwide litigation in California, Colorado, Montana, and Utah – seeking to enforce multi-million-dollar reinsurance obligations against a private consortium that had stripped the captive reinsurer of assets to avoid payment. After two years of litigation in a myriad of proceedings across the country, Matt's analysis ultimately avoided years of litigation and appeals and won summary judgment in a special proceeding by relying on adversarial judicial admissions to break the defense's back.
- In *Newburgh Commercial Development Corp. v. Goldsand Agency*, No. 69351/2012 (Sup. Ct. Westchester Dec. 6, 2013), Matt successfully deployed a blend of aggressive litigation and ADR to obtain a favorable pre-trial settlement of a developer's negligent title search claim against a small family-owned title agency following the rehabilitation of the title insurer.
- In *FDIC-R AmTrust Bank, N.A. v. Malik*, No. 09 CV 04805 (E.D.N.Y. Aug. 6, 2013), Matt again aggressively defended a small local title agency against an out-of-state bank's failed effort to capitalize on New York's sub-prime mortgage market in a buy-back action seeking over \$10,000,000 in fraud damages against the bank's former attorneys, mortgage brokers, and parties to the underlying real estate transactions. Matt attacked the FDIC's theory on the merits and aggressively pursued early settlement to avoid protracted and costly litigation.
- In *Staack v. Coleman*, 2078/2008, 2013 WL 237858 (Sur. Ct. NY Jan. 18, 2013), Matt systematically attacked serial pleadings in the Surrogate's Court and leveraged resolution to avoid protracted and costly litigation.
- In *Abetta Boiler & Welding Services, Inc. v. American International Specialty Lines Insurance Co.*, 76 A.D.3d 412, 906 N.Y.S.2d 540 (1st Dep't 2010), Matt's defense strategy for a wholesale insurance broker in an insured's late notice and loss of coverage claim for wrongful death and grave injuries and obtained a unanimous decision on appeal granting his summary judgment motion and dismissing the complaint.
- In *Bianco v. AXA Equitable Life Insurance Co.*, No. 001972/09, 2009 WL 3780684 (Sup. Ct. Nass. Oct. 29, 2009), Matt obtained a pre-answer dismissal of an annuity fraud complaint against an agent and insurer.
- In *Jagger v. Katz Park Ave. Corp.*, No. 300230/09 (NY Civil Ct. May 8, 2009), Matt won summary judgment for a managing agent dismissing Bianca Jagger's Park Avenue toxic mold claims after transfer to City Court.
- In *Manti's Transportation, Inc. v. CitiCapital Commercial Corp., Inc.*, No. 06 CV 1699, 2008 WL 977192 (E.D.N.Y. Apr. 9, 2008), Matt's defense strategy for commercial lenders under a joint defense yielded a pre-answer dismissal of a RICO complaint brought on behalf of a closely-held corporation when the plaintiff's principal returned from federal witness protection and challenged a prior judgment.

Insurance, Reinsurance and Bad Faith

- In the Matter of the Arbitration of *AmTrust North America, Inc. v. Pacific Re, Inc.*, Matt developed the arbitration strategy employing Insurance Law § 1213(c) bonding requirement to prevent a foreign captive reinsurer from defending the merits of AmTrust's demand for reinsurance payments. Matt's text-book cross-examination of the respondent's damages expert at trial laid the groundwork for confirmed awards of nearly \$12,000,000 after a three-day arbitral inquest that successfully pierced the captive reinsurer's segregated cell structure and imposed liability on the captive at-large confirmed. *AmTrust North America, Inc. v. Pacific Re, Inc.*, No. 17 CV 00515 (S.D.N.Y. Apr. 4, 2017).
- Matt's coverage analysis of an adversarial consortium's E&O policy and ensuing counterclaim while admitted *pro hac vice* in *Allied World Surplus Lines Insurance Company v. Pacific Re, Inc.*, DV-16-610 (13th D. Mont. 2016), was instrumental to an early resolution by bringing insurance money to the table.
- In *Sackman Enterprises, Inc. v. Chubb Custom Insurance Co.*, No. 11 CV 5411 (S.D.N.Y. 2014), Matt's coverage analysis and litigation strategy successfully allowed a commercial building owner's to recover total inured value for the complete loss of an old-law building that had been condemned during the Second Avenue Subway construction before trial.
- In *Great American Assurance Co. v. 460-474 Spring St., LLC, et al.*, Matt won summary judgment for a managing general agent dismissing subrogation claims from a mortgagee's force-placed insurer under a novation theory while admitted *pro hac vice* in New Jersey.

Legal Malpractice

- In *Metropolitan EIH13, LP et al. v Wilson et al.*, No. 155283/16 (Sup. Ct. NY Jun .7, 2021), Matt aggressively attacked a malpractice claim arising out of a complex oil and gas exploration project among a consortium of hedge funds against affiliated law firms and leveraged a bankruptcy stay under a shared E&O policy between an affiliated debtor and his client that allowed the parties resolve the matter during the stay to avoid depositions and trial.
- In *Bianco v. Prakhin*, , NY Slip Op 07849 (2d Dept 2020), Matt tested the sufficiency of a late-notice claim against successor counsel on a pre-answer motion setting up a tactical appeal resulting in a decision that the parties used to leverage a resolution after the note of issue had been filed.
- In the matter of *Edgar Palaguachi*, No. 3833/17 (Sup. Ct. Queens Aug. 12, 2019), Matt separated the wheat from the chaff and resolved a high-value malpractice claim arising from an early morning drunk driving accident at a Manhattan work site resulting in serious and permanent injuries to two laborers including an amputation.

Administrative Law

- In *Pluralis, LLC v. Romaine*, No. 15979/13 (Sup. Ct. Suff. Nov. 6, 2014), Matt successfully defended The Central Pine Barrens Joint Planning & Policy Commission. He obtained a pre-answer dismissal of an Article 78 petition brought by the largest Pine Barrens Credits holder, challenging the Commission's then-decades-old use of Transferable Development Credits to limit development on Long Island's largest freshwater aquifer under the Pine Barrens Act.
- In *Korean Joong Bu Presbyterian Church v. Incorporated Village of Old Westbury*, No. 21447/2010 (Sup. Ct. Nass. Sep. 20, 2012), Matt again forced an early settlement with aggressive litigation while moving to dismiss alleged SEQRA violations and disgorgement claims.

Matt graduated with honors from The George Washington University Law School where he interned for the Honorable United States District Court Judge Marvin J. Garbis in Baltimore, Maryland, served as president of the campus chapter Federalist Society, worked as a law clerk at the Institute for Justice, a non-profit public interest law group in the District of Columbia, played rugby for the Colonials and later the Washing Monuments in the Super League. Matt played rugby and graduated *cum laude* from The University of Oregon after spending his senior year abroad at Saint-Petersburg State University in Russia, where he also played rugby even when the pitch was frozen. During his summers in Oregon before moving to Washington, D.C., Matt worked in local the shipyard as a machinist labor specialist assembling, laying-off crews, and translating for Russian employees.

Matt joined Ruskin Moscou Faltischek, PC from Ohrenstein & Brown, where he had worked his way up from an associate in the Manhattan office to partner in Garden city. He even played a bit of rugby for Long Island before hanging up his spikes. He now lives in a sleepy town on Long Island's North Shore, where he enjoys biking and fishing. He is a volunteer advisor for the George Washington University's Career Advisor Network. After volunteering as an arbitrator in the New York City Civil Court, Matt served as a solo Arbitrator for Nassau County District Court. He is a member of the New York State Academy of Trial Lawyers and New York State Bar Association.

PUBLICATIONS

- A Sound Primer on Associational Discrimination Claims and Direct Evidence of Intent (Articles, Insurance & Insurance Litigation)
- Artful Pleading Around the Federal Arbitration Act Unlikely To Survive in New York (Articles, Insurance & Insurance Litigation)
- Legal Malpractice Exposure: Second Department Joins First Department Holding Successor-Counsel In Late-Notice Claims Cannot Avoid Malpractice Claim Irrespective of the Merits of a Motion to Cure (Articles, Insurance & Insurance Litigation)
- The Attorney Judgment Rule Is A Defense to Malpractice, Not Client Instructions (Articles, Insurance & Insurance Litigation)

- The Impact of Unsettled Questions of Law on Declaratory Judgment Actions (Articles, Insurance & Insurance Litigation)
- The Second Circuit Reverses Summary Judgment Holding More Litigation May Come in State Court Despite Claimant's Proven Bad-Faith in Pursuing Sandy Claims (Articles, Insurance & Insurance Litigation)
- My 600-lb Life Lawsuits Pit Risk Management Against Policy Language A coverage dispute involving the production company behind TLC's popular (Articles, Insurance & Insurance Litigation)
- Subrogation Fail: Insurers Cannot Revive Contribution Claims Abandoned During Trial against Third-Parties As Subrogors in a New Action (Alerts, Insurance & Insurance Litigation, Insurance & Insurance Litigation)
- In Uniondale, A Law Firm Adds Practice Group (Insurance & Insurance Litigation, Insurance & Insurance Litigation, Press Releases)
- Ruskin Moscou Faltischek P.C. Establishes Insurance & Insurance Litigation Practice Group, With Michael D. Brown to Chair (Insurance & Insurance Litigation, Insurance & Insurance Litigation, Press Releases)