

Matthew Bush

Senior Associate
Trial and Global Disputes

New York: +1 212 790 5356
mbush@kslaw.com



Matt is a senior associate in the Trial and Global Disputes group in the New York office. Matt specializes in high-stakes civil litigation, devising case strategy and handling all stages of the most complex matters from initial filing, to trial, to appeal. Matt's appellate background gives him the unique perspective to advise not just on the best strategy to win the critical motion or win the trial, but also to ensure the case is properly set up to win the appeal. Matt was named a “Rising Star” by Super Lawyers in 2020 and 2021.

Matt has argued numerous motions and appeals in state and federal courts across the country, including motions to dismiss, motions for summary judgment, Daubert motions, motions in limine, directed verdict motions, and jury instructions. He has been a part of multiple trial teams in cases that have gone to verdict, and he has second chaired two arguments before the United States Supreme Court.

In 2012, Matt worked for SCOTUSblog, where he covered certiorari petitions likely to be granted and the Supreme Court's decision to uphold the Affordable Care Act in *National Federation of Independent Business v. Sebelius*.

Clerkships

- Law Clerk, Judge Chester J. Straub, U.S. Court of Appeals for the Second Circuit
- Law Clerk, Judge Jan E. Dubois, U.S. District Court for the Eastern District of Pennsylvania

Matters

Lightfoot v. Cendant Mortgage Corp. (Supreme Court): Achieved a unanimous victory, persuading the Court that Fannie Mae's charter does not automatically confer federal jurisdiction whenever Fannie is a party. This included convincing the Solicitor General's Office to recommend that the Court both grant certiorari and rule in the clients' favor on the merits.

County Los Angeles v. Mendez (Supreme Court): Achieved unanimous victory, persuading the Supreme Court to overturn the Ninth Circuit's controversial “provocation rule” in excessive force cases.

Moussouris v. Microsoft (W.D. Wash): On behalf of Microsoft, successfully defeated a class

certification motion attempting to certify a class of 8,600 female IT employees and engineers who claimed discrimination in pay and promotion and sought over \$230 million in damages.

Elmiron Litigation: Matt represents Janssen Pharmaceuticals in a litigation alleging that its medication Elmiron causes retinal degeneration. Matt recently led the effort to successfully strike a nationwide class at the pleading stage (<https://www.law.com/thelegalintelligencer/2020/11/09/pa-fed-judge-rejects-nationwide-class-action-seeking-elmiron-medical-monitoring/>).

JPMorgan Wind Farm Litigation: Matt represents JPMorgan in lawsuits related to whether wind farms in Texas were excused from their obligations under their hedge contracts due to low winds during Winter Storm Uri.

Talarico Brothers v. Union Carbide Corporation (2d Cir.): Matt is lead appellate counsel for Union Carbide in an appeal regarding a district court's ruling that plaintiffs' complaint failed to adequately allege a plausible RCRA violation under *Iqbal*.

Densify v. Turbonomic (Del. Ch.): Matt was part of the King & Spalding team representing Turbonomic that successfully defeated a preliminary injunction seeking to prevent Turbonomic from being acquired by IBM based on an anti-assignment clause in a settlement agreement.

Johnson & Johnson Talc Litigation: Matt was part of the trial team in *Hayes v. Johnson & Johnson* that recently secured a full defense verdict in Johnson & Johnson's favor. The jury reached its verdict in under 30 minutes. In that trial, Matt argued the motion for summary judgment, a Daubert motion leading to the exclusion of expert testimony, jury instructions, and the directed verdict motion.

Bardy Diagnostics v. Hillrom (Del. Ch.): Matt was part of the trial team representing Hillrom in a case involving whether the plummeting of the Medicare reimbursement rate for a target company's only product constituted a "material adverse event" that excused the parent company from closing on the acquisition.

Nitto Denko v. Hutchinson Technology (D. Minn.): Represented Nitto Denko in a patent infringement case involving "flexures" - circuits in hard disk drives. Matt argued a motion to dismiss for lack of personal jurisdiction.

Buchwald v. The Renco Group (2d Cir.): Represented Renco in its appeal of a \$200 million judgment for fraudulent conveyance.

Finerty v. Abex (New York Court of Appeals): Represented the Chamber of Commerce as amicus in a case concerning the requirements for piercing the corporate veil.

Trump v. Hawaii (S.Ct.): Represented former high-ranking executive branch officials in an amicus brief supporting the challengers to the travel ban which was highlighted by Linda Greenhouse of the New York Times (<https://www.nytimes.com/2017/09/28/opinion/contributors/travel-ban-lessons-trump.html>).

Garcia v. City of Santa Clara (9th Cir.): Represented Daniel Garcia on appeal in an excessive force and false arrest § 1983 case.

People v. Laboy (N.Y. App. Div. 1st Dep't): Represented Alexis Laboy in a criminal appeal from his assault conviction. Matt argued the case before the First Department.

Credentials

EDUCATION

J.D., University of Pennsylvania, magna cum laude, Order of the Coif
B.A., Columbia University

ADMISSIONS

U.S. Court of Appeals for the Federal Circuit
Supreme Court of the United States
U.S. Court of Appeals for the Second Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. District Court for the Southern District of New York
New York

CLERKSHIPS

Law Clerk, Chester J. Straub, U.S. Court of Appeals for the Second Circuit
Law Clerk, Jan E. Dubois, U.S. District Court for the Eastern District of Pennsylvania

Recognition

"Rising Star," 2020, 2021

SUPER LAWYERS

Insights

ARTICLE

November 15, 2021 • Source: Law360

Alleging An LLC's Citizenship With Imperfect Information

July 21, 2021 • Source: For The Defense

A Multi-District Litigation Fairness Act: Relaxing Federal Court Jurisdiction For MDLs

CLIENT ALERT

November 5, 2021

Badgerow v. Walters: Supreme Court Hears Argument On Federal Jurisdiction To Confirm Arbitration Awards

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News

IN THE NEWS

October 6, 2021 • Source: Law360

Craig Stanfield, Richard Marooney, Alvin Lee and Matthew Bush counsel JPMorgan in its dispute with a Texas wind farm over a delinquent energy bill

September 2, 2020 • Source: Law360

Matthew Bush counsels Johnson & Johnson before the South Carolina Supreme Court

PRESS RELEASE

December 2, 2021

King & Spalding Promotes 32 New Partners and 16 Counsel Across 16 Cities

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