



## Matthew C. Daly

### Partner

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#### Practice Areas

Litigation/Alternative Dispute Resolution

Matthew Daly brings to his engagements over fifteen years of litigation experience, representing both plaintiffs and defendants in commercial litigation in state and federal courts across the country and on appeal. His practice includes:

- Shareholder and partnership disputes
- Complex contract matters
- Article 78 and other challenges to laws, regulations and other state and local government actions
- Payment card data breaches
- Employment disputes
- Business fraud and other business torts

Matt's clients appreciate his approach to engagements – prepared, responsive and efficient. Whether representing a global payment card company, a foreign bank, a national food distributor, or a nationally prominent newscaster, he focuses on the client's issues and objectives and drives towards achieving the best results.

## Representative Engagements

- Represented a major payment card company in litigation brought by a national grocery wholesaler that suffered a data breach. Obtained dismissal of all ten claims and affirmance on appeal. Successfully litigated issue of first impression that the doctrine of equitable subrogation did not apply to allow the retailer to

“stand in the shoes” of its bank to sue the payment card company based on assessments the payment card company imposed on the retailer’s bank. (Jetro Holdings, LLC v. Mastercard International Incorporated, 166 A.D 3d 594 (2d Dep’t 2018))

- Representing union of municipal employees in various proceedings challenging government actions that impact union members, and successfully obtained dismissal of improper practice petition before the Office of Collective Bargaining.
- Represented United Arab Emirates bank in litigation against a Saudi Arabian debtor to recognize and enforce a London judgment of more than \$30 million and in post-recognition efforts to identify assets of the debtor. Successfully argued the case in the trial court and on appeal, including arguing an issue of first impression in the First Department that personal jurisdiction over the debtor was not required to enforce the foreign judgment in New York. (Abu Dhabi Commercial Bank PJSC v. Saad Trading, Contracting & Financial Services Co., 117 AD.3d 609 (1st Dep’t 2014))
- Represented a nationally-recognized news anchor against a major news network, resulting in one of the largest reported settlements in a single-plaintiff sexual harassment case (2016).
- Represented a national distributor for a major food manufacturer in litigation against a local distributor in the United States District Court for the Southern District of California arising from the local distributor having switched to a competing brand without notice. Obtained an order imposing monetary sanctions and evidentiary adverse inference sanctions against the local distributor based on discovery abuses.
- Represented a national distributor for a major food manufacturer in litigation against its freight payment vendor in the United States District Court of the District of New Jersey based on vendor’s operation of a multi-million dollar Ponzi scheme. Obtained emergency orders of attachment and asset freezes to secure and preserve assets of the vendor.
- Represented a national network of oncology practices in litigation against former joint venture partner. Obtained emergency temporary injunction preventing former joint venture partner from consummating \$2 billion transaction to acquire competitor based on non-compete agreement, and briefed expedited appeal of the injunction, resulting in extremely favorable settlement for the oncology network.
- Represented high-profile sports agents and their new sports agency in litigation brought by a former agency in Ohio state court alleging breach of non-competition and non-solicitation agreements.
- Represented a Manhattan building owner in litigation against insurance company and developers of neighboring property for damage to the building and lost income arising from major construction project.

## Professional Activities

- Member, Federal Bar Council

## Publications

- Client Alert – “New York Ban on Non-Compete Agreements Passes Legislature,” June 23, 2023
- Client Alert – “Beware of Payment Instructions over Email,” January 11, 2021
- Client Alert – “COVID-19: Expanded Unemployment Insurance Benefits under the CARES Act,” April 2, 2020,

- “Arbitration of Workplace Sexual Harassment and Discrimination Claims”, November 14, 2016, *New York Law Journal*

## Awards

- Listed among New York Super Lawyers (2023)
- Listed among Super Lawyers Metro New York “Rising Stars” (2015-2017)

## Education & Honors

- Fordham University School of Law, J.D., *magna cum laude*, Order of the Coif, Member, *Fordham Law Review* and Emmet J. McCormack Foundation Prize
- Archibald R. Murray Public Service Award
- Georgetown University, B.A., *cum laude*

## Prior Work Experience

- Simpson Thacher & Bartlett LLP
- Law Clerk, the Honorable Louis L. Stanton, U.S. District Court, Southern District of New York

## Bar Admissions

- State of New York
- State of Connecticut
- U.S. District Court, Southern and Eastern Districts
- U.S. Court of Appeals for the Second and Eleventh Circuits