

# Miller | Schirger LLC

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## Matthew W. Lytle

Throughout his practice, Matt has represented clients ranging from individuals to privately held and publicly traded corporations in various state and federal courts nationwide, and in arbitrations with the AAA and the Financial Industry Regulatory Authority (FINRA). Matt's experience covers all phases of the litigation process including case strategy, pre-trial briefing and motion practice, depositions and discovery, dispositive motion practice, trial preparation, trial, and appeals.

Matt's representative litigation experience includes representing both plaintiffs and defendants in disputes involving claims for fraud, breach of fiduciary duty, breach of trust, breach of contract, and civil RICO, as well as consumer class action and whistleblower claims.

In addition to litigation, Matt has experience in the area of white collar defense and investigations, and has represented clients in investigations by various federal agencies including the CFTC and the USDA.

Matt was named a "Rising Star" (2011, 2012) and a "Super Lawyer" (2013-2017) by *Missouri & Kansas Super Lawyers*. Matt was also named to the 2012 BTI Client Service All-Stars, a select group of only 272 lawyers nationwide who are chosen solely on unprompted, unequivocal recommendations by corporate counsel for their understanding of business issues, innovative approaches to legal services, and commitment to client needs.

Matt is a native of Colorado and spent fifteen years in Omaha, Nebraska, where he began his legal career at a large regional law firm. After moving to Kansas City, he practiced in large national and international law firms before joining Miller Schirger. Prior to becoming an attorney, Matt served on the staff of a Member of the United States House of Representatives and worked as a licensed stock broker.

## AREAS OF PRACTICE

- Banking Litigation
- Commercial Litigation
- Class-Action Lawsuits
- Fiduciary Litigation
- Insurance Litigation
- Personal Injury & Wrongful Death Litigation

- Products Liability Litigation
- Real Estate Litigation
- Securities Litigation
- Antitrust, Unfair Competition and Deceptive Trade Practices Litigation
- Whistleblower Litigation

## BAR ADMISSIONS

- Missouri
- Nebraska (inactive)
- U.S. District Court Western District of Missouri
- U.S. District Court District of Nebraska
- U.S. District Court District of Kansas
- U.S. District Court District of Colorado
- U.S. District Court Eastern District of Wisconsin
- U.S. Court of Appeals 8th Circuit

## EDUCATION

- **Creighton University School of Law**
  - Juris Doctor (*Magna Cum Laude*) - 2004
- **Creighton University**
  - Bachelor of Arts - 1996

## HONORS & AWARDS

- Rising Star, SuperLawyers, 2011-2012
- SuperLawyers, Thompson Reuters, 2013-2017
- BTI Client Service All-Stars, 2012

## PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- American Bar Association
- Missouri Bar Association
- Kansas City Metropolitan Bar Association
- Nebraska Bar Association

## CIVIC & CHARITABLE ACTIVITIES

- Assistant Director, Upward Basketball®, Woods Chapel United Methodist Church

## REPRESENTATIVE CASES

*Business Litigation — Multivac, Inc. vs. Rotella's Italian Bakery, Inc.*, Represented defendant / counterclaimant in case involving claims for breach of contract, and counterclaims for repudiation of contract

and breach of express and implied warranties, among others, related to the purchase of a vacuum-seal packaging machine. A four-day jury trial in the United States District Court for the Western District of Missouri, resulted in verdicts in client's favor on the plaintiff's claim for breach of contract, and the client's counterclaims for repudiation of contract and breach of express warranty.

*Business Litigation* — Represented plaintiff and counter-defendant propane company in protracted litigation involving claims for alleged overcharges related to vehicle refurbishing services and counterclaims against client seeking damages of \$6.97 million for alleged breach of contract and business torts. A nine day jury trial in the Circuit Court for Jackson County, Missouri, produced a favorable result for the client, including the client paying less than 10% of the counter-claim damages sought.

*Cost of Insurance Class Action — Bezich v. Lincoln Nat'l. Life Ins. Co.*, Represented plaintiff class of policyholders in nationwide class action against The Lincoln National Life Insurance Company alleging life insurance policy overcharges including "cost of insurance" overcharges. Lincoln National agreed to settle the case by, among other things, issuing term life insurance certificates to a settlement class consisting of approximately 77,000 policy owners across 30 states. The term life insurance certificates have a total face amount of death benefits estimated at \$2.25 billion, with a market value of approximately \$171.8 million. (Allen County Circuit Court, Fort Wayne, IN 2016)

*Cost of Insurance Class Action - Bezich v. Lincoln Nat'l. Life Ins. Co.* — Represented plaintiff in alleged class action involving cost of insurance overcharges in life insurance policies. Case of first impression holding Class Action Fairness Act's (CAFA) securities exception allowed alleged class action involving variable life insurance policy to proceed forward in state court; case was not subject to removal to federal court. (7th Cir. 2010)

*Cost of Insurance Class Action - Freeman Investments, L.P. v. Pac. Life Ins. Co.* — Represented plaintiff in alleged class action involving cost of insurance overcharges in life insurance policies. Securities Litigation Uniform Standards Act (SLUSA) did not preclude plaintiff's claim for breach of contract even though such claim was related to the purchase or sale of a covered security under SLUSA (9th Cir. 2013)

*Securities Litigation* — Represented plaintiff Colorado Bank in dispute with its broker-dealer involving the marketing and sale of mortgage-backed securities. Confidential settlement reached for client resulting in substantial recovery. Within two weeks of finalizing the settlement, regulatory officials substantially upgraded the Bank's rating.

*Securities Litigation* — Represented plaintiff Texas bank in dispute with its broker-dealer involving the marketing and sale of mortgage-backed securities. Confidential settlement reached for client resulting in substantial recovery.

*Securities Litigation* — Represented individual investor in alleged ponzi scheme. Seven-figure settlement reached with broker/advisor; all invested funds were recovered for client.