



Matthew T. Houston

Associate

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OVERVIEW

Matthew Houston is an associate in the Raleigh and Charlotte offices and focuses his practice on the litigation and resolution of complex commercial disputes, with an emphasis on contract disputes, commercial torts cases, and real estate disputes. His practice also encompasses representing creditors in financial services litigation and corporate insolvency and restructuring matters, both in bankruptcy proceedings and out-of-court workouts.

Matthew frequently represents clients before the North Carolina Business Court and also handles cases throughout the North Carolina state court system and corresponding federal district and appellate courts. Matthew's experience includes litigating and resolving a variety of commercial contract disputes, real estate disputes, shareholder derivative actions, and numerous commercial tort cases, such as those involving allegations of fraud, misrepresentation, unfair and deceptive trade practices, and misappropriation of trade secrets. He also represents creditors in loan workout matters, receivership actions, foreclosure proceedings, claim and delivery proceedings, and related bankruptcy proceedings, including bankruptcy preference actions.

Matthew also represents and advises clients in real and personal property disputes, including development disputes, lease disputes and modifications, lien matters, summary ejection proceedings, and other real estate litigation matters.

PROFESSIONAL BACKGROUND

In addition to his experience as an attorney, Matthew also has significant experience in the field of agriculture, as he has owned and operated a cattle farm in Eastern North Carolina for a number of years.

ACHIEVEMENTS

- Best Lawyers in America 2021 'Ones to Watch' - Commercial Litigation

PROFESSIONAL / CIVIC ACTIVITIES

- North Carolina Bar Association, Member

- American Bar Association, Member
- American Bankruptcy Institute, Member
- Wake County Bar Association, Member
- North Carolina Cattlemen's Association, Member

SPEAKING ENGAGEMENTS

- “The North Carolina Business Court: Now Open for More Business,” Presenter, K&L Gates “Under the Wire” CLE Seminar, January 2019
- “Eastern District of North Carolina Case Update,” Presenter, N.C.B.A. Bankruptcy Section's 38th Annual Bankruptcy Institute, November 2015
- “Navigating Traps for the Unwary: and Increasingly Complex Ethical Issues in Discovery,” Panelist, K&L Gates “Under the Wire” CLE Seminar, January 2015

EDUCATION

- J.D., Wake Forest University School of Law, 2013 (*cum laude*; *Order of the Coif*; *Wake Forest Law Review*, *Editor-in-Chief 2012-2013*, *Staff Member 2011-2012*)
- B.A., East Carolina University, 2010 (*summa cum laude*)

ADMISSIONS

- Bar of North Carolina
- Supreme Court of the United States
- United States Bankruptcy Court for the Eastern District of North Carolina
- United States Bankruptcy Court for the Middle District of North Carolina
- United States Bankruptcy Court for the Western District of North Carolina
- United States Court of Appeals for the Eighth Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Tenth Circuit

- United States District Court for the Central District of Illinois
- United States District Court for the Eastern District of North Carolina
- United States District Court for the Middle District of North Carolina
- United States District Court for the Northern District of Texas
- United States District Court for the Western District of North Carolina

LANGUAGES

- Spanish

THOUGHT LEADERSHIP POWERED BY HUB

- 16 July 2020, North Carolina Servicemembers Civil Relief Act: An Expansion of Existing Federal Protections (*Alerts/Updates*)
- February 2019, Seventh Annual “Under the Wire” CLE Seminar (*Research Surveys*)
- 22 March 2018, Court Finds Website Owner did not Send Text Messages Initiated by its Users and thus did not Violate the TCPA (*Research Surveys*)
- 7 July 2017, Fisker’s Reach: Liquidating Trustee May Pursue Overseas Fraudulent Transfers as Unjust Enrichment (*Alerts/Updates*)
- 6 July 2017, Bankruptcy Court Finds that Foreign Transactions May be Subject to U.S. Fraudulent Transfer Laws (*Alerts/Updates*)
- 3 July 2017, Federal Government Continues Defense Against First Amendment Challenge to TCPA (*Research Surveys*)
- 12 May 2017, It Wasn’t Me! – District Court Dismisses TCPA Action Alleging Vicarious Liability against Hotel Chains (*Research Surveys*)
- 27 March 2017, FCC Begins Rulemaking Process to Allow Blocking of “Spoofed” Number Calls (*Research Surveys*)
- 27 March 2017, FCC Begins Rulemaking Process to Allow Blocking of “Spoofed” Number Calls (*Research Surveys*)
- 18 January 2017, TCPA Class-Action Plaintiff Must Arbitrate Claims (*Research Surveys*)
- 13 January 2017, Court Rejects TCPA Claims Based on Theory of Third-Party Liability (*Alerts/Updates*)

OTHER PUBLICATIONS

- Christine Coughlin, Sandy Patrick, Elizabeth Johnson, & Matthew Houston, *Modern Legal Scholarship: a Guide to Producing and Publishing Scholarly and Professional Writing* (forthcoming textbook)
- John R. Gardner, Matthew T. Houston, & Haniya Mir, *Banks Beware: Mobile Checking and the Rise of Duplicate Presentment*, 46 U.C.C. L.J. 177 (2015)
- *Bankruptcy Court Case Summaries*, Disclosure Statement, N.C.B.A. Bankr. Sec., Dec. 2016, at 8
- *Bankruptcy Court Case Summaries*, Disclosure Statement, N.C.B.A. Bankr. Sec., Feb. 2016, at 10
- *Eastern District Case Summaries*, Disclosure Statement, N.C.B.A. Bankr. Sec., Oct. 2015, at 23
- *Eastern District Case Summaries*, Disclosure Statement, N.C.B.A. Bankr. Sec., Apr. 2015, at 23
- *Eastern District of North Carolina Case Summaries*, Disclosure Statement, N.C.B.A. Bankr. Sec., Nov. 2014, at 11
- *Eastern District Case Summaries*, Disclosure Statement, N.C.B.A. Bankr. Sec., Oct. 2014, at 19
- *Spring Case Summaries: Eastern District Bankruptcy Court*, Disclosure Statement, N.C.B.A. Bankr. Sec., May 2014, at 12

AREAS OF FOCUS

- Complex Commercial Litigation and Disputes
- Appellate Litigation
- Construction and Infrastructure Dispute Resolution
- Employment Disputes and Investigations
- Financial Institutions and Services Litigation
- Restructuring and Insolvency

REPRESENTATIVE EXPERIENCE

- Represent a civilly committed individual before the U.S. Supreme Court and 4th Circuit Court of Appeals in pro bono litigation concerning civil rights
- Represent corporate and individual clients in various commercial contract disputes and related litigation
- Represent secured and unsecured creditors in bankruptcy proceedings, including the resolution of secured and unsecured claims, defense of preference actions and claims concerning alleged automatic stay and discharge injunction violations, and advising clients regarding bankruptcy servicing and resolution of claims in Chapter 7 and Chapter 13 bankruptcy proceedings

- Represent secured and unsecured creditors in bankruptcy proceedings, including the resolution of secured and unsecured claims.
- Represent commercial lenders in all phases of real property foreclosure and sale matters in North Carolina, as well as claim and delivery proceedings for recovery of personal property
- Advise large and small employers in employment-related matters, including employer-employee disputes, employer handbook evaluations and revisions, and related matters.
- Represent amici clients via amicus briefs to the Supreme Court of North Carolina and United States Bankruptcy Court
- Represent corporate clients in shareholder and similar derivative lawsuits in North Carolina Business Court Proceedings
- Represent clients in administrative proceedings, including proceedings challenging denial of certifications under the Clean Water Act for an energy provider and state contracting proceedings contesting bid procedures
- Represent real estate developer before the North Carolina Court of Appeals in proceedings concerning good-faith purchasers and lis pendens matters
- Representation of corporate and individual clients in real estate and property disputes, including summary ejectment proceedings, lease workouts, lien resolutions, construction matters, and landlord-tenant disputes.
- Represent individual and corporate clients in occupational and professional licensing proceedings, including proceedings contesting license denials and penalties against licensed parties for the North Carolina Licensing Board for General Contractors and North Carolina Well Contractors Certification Commission
- Represent secured and unsecured creditors in bankruptcy proceedings, including the resolution of secured and unsecured claims and preference actions
- Represent state legislative leaders in constitutional litigation concerning executive and legislative appointment powers
- Represent corporate and individual clients in real estate and property disputes, including summary ejectment proceedings, lease workouts, lien resolutions, construction matters, and landlord-tenant disputes.
- Represent corporate and individual clients in the North Carolina Business Court and federal courts in defense of breach of contract, fraud, unfair and deceptive trade practices, and misrepresentation claims
- Representation of commercial lenders in all phases of real property foreclosure and sale matters in North Carolina, as well as claim and delivery proceedings for recovery of personal property.
- Represent corporate and individual clients in real estate disputes, including summary ejectment proceedings, lease workouts, lien resolutions, construction matters, and landlord-tenant disputes
- Represent a buyer-side real estate broker in a case of first impression under North Carolina's Commercial Real Estate Broker Lien Act regarding buyer-side brokers' lien rights

- Represent individual and corporate clients in occupational and professional licensing proceedings, including proceedings contesting and appealing license denials and penalties against licensed parties before the North Carolina Licensing Board for General Contractors, North Carolina Well Contractors Certification Commission, and North Carolina Consumer Protection Division
- Represent corporate and individual clients in the North Carolina Business Court, North Carolina Supreme Court, and federal courts in defending against breach of contract, fraud, unfair and deceptive trade practices, and misrepresentation claims
- Represent commercial lenders in receivership actions for a variety of commercial properties, including warehouses, office buildings, and hotels.
- Represent commercial lenders in collection litigation and related defensive litigation, including defense of claims against lenders for alleged misconduct in connection with creation and finalization of loan documentation.
- Represent corporate and individual clients in real estate disputes, including summary ejectment proceedings, lease workouts, lien resolutions, construction matters, and landlord-tenant disputes.
- Represent builders and other construction clients in litigation and arbitration proceedings related to alleged construction defects
- Represent commercial lenders in financial services matters, including collection litigation and related defensive litigation such as defense of claims against lenders for alleged misconduct in connection with creation and finalization of loan documentation