



Matthew B. Goeller

Associate

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OVERVIEW

Matthew Goeller concentrates his practice on complex commercial litigation. He represents domestic and international clients in all facets of business litigation including breach of fiduciary duty and corporate governance claims, merger and acquisition litigation, securities litigation, patent infringement, and intellectual property litigation. He regularly advises multinational corporations, directors, officers, managers, members, and investors in connection with their rights and responsibilities under the Delaware General Corporation Law and Delaware's alternative entity statutes. He represents individuals and entities in the aerospace, energy, media, life sciences, and technology industries.

Matthew's practice also focuses on preventing human trafficking, forced labor, and child labor in companies' global supply chains. He is a member of the firm's Anti-Human Trafficking Initiative, Global Ethical Supply Chain group, and ESG—Corporate Governance group. He works extensively on a number of human rights and anti-human trafficking projects in Southeast Asia and Africa.

Matthew maintains an active pro bono practice, representing children in dependency and neglect cases for the Delaware Office of the Child Advocate. Matthew serves as the associate pro bono coordinator for the Wilmington office.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Matthew served as law clerk to the Honorable Randy J. Holland and to the Honorable Gary F. Traynor in the Supreme Court of Delaware. Matthew is the founder and president of the nonprofit, Global Education Network, which serves the educational needs of schools, students, and communities in Ecuador, Ghana, and Kenya.

PROFESSIONAL / CIVIC ACTIVITIES

- Member, Africa Committee, American Bar Association
- Member, International Courts and Judicial Affairs Committee, American Bar Association
- Member, International Human Rights Committee, American Bar Association

- Member, International Investment and Development Committee, American Bar Association
- Vice Chair, International Law Section, Delaware State Bar Association
- Member, Richard S. Rodney Inn of Court

SPEAKING ENGAGEMENTS

- “Trying a Case for a Trauma Victim,” October 27, 2021
- “Global Lawyers-Educating and Training International Lawyers in the Philadelphia Metropolitan Area,” Philadelphia Bar Association International Law Committee, September 23, 2019

EDUCATION

- J.D., Widener University Delaware Law School, 2016 (*cum laude*; *Delaware Journal of Corporate Law*, *Articles Editor*)
- B.A., University of Maryland, 2011

ADMISSIONS

- Bar of Delaware
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of Delaware

THOUGHT LEADERSHIP POWERED BY HUB

- April 2024, ESG and the Sustainable Economy Handbook
- 11 October 2022, Litigation Minute: Earn-Out Provisions
- 26 July 2022, Litigation Minute: Red Lobster Complaint Highlights Threat of ESG Litigation to the Food and Beverage Industry
- 6 June 2022 , Court of Chancery's Increased Scrutiny of Non-Bankruptcy Liquidations
- 27 May 2022, Delaware Jury Awards US\$334 Million in DNA Sequencing Patent Trial
- 19 May 2022, Vale's ESG Disclosures Lead to Regulatory and Shareholder Litigation
- 16 May 2022, Judge Connolly Issues Three New Orders Impacting Patent Cases
- 27 April 2022, In Matter of First Impression, Delaware Superior Court Calculates Value of Cryptocurrency for \$25 Million Damages Award

- 23 March 2022, Approval of US\$237.5 Million Settlement in Boeing Derivative Action Demonstrates Impact of Section 220 Demand in ESG Litigation

OTHER PUBLICATIONS

- Peeling Back the Business Judgment Rule: Corporate Responsibility After Chiquita, *Inst. Del. Corp. & Bus. L.* (May 28, 2015)

NEWS & EVENTS

- 10 February 2023, K&L Gates Successfully Recovers Breakup Fee for Italian Pharmaceutical Company in Delaware Chapter 11 Case

MEDIA MENTIONS

- Mentioned, "Houseman v. Sagerman, DEFAX Case No. D69488 (Del. Ch. July 20, 2021), Glasscock, V.C. (20 pages)." *Delaware Law Weekly*, 4 August 2021
- Mentioned, "Insurer Claims It Did Not Breach Contract In Benzene Exposure Dispute," *Mealey's Litigation Report*, 29 July 2021

AREAS OF FOCUS

- Commercial Disputes
- Appellate Litigation
- Financial Institutions and Services Litigation
- Securities and Transactional Litigation

INDUSTRIES

- Energy
- Financial Services
- Immersive Technology and Interactive Entertainment
- Private Equity
- Technology

EMERGING ISSUES

- Environmental Social Governance (ESG)

- Sustainable Economy

REPRESENTATIVE EXPERIENCE

CORPORATE GOVERNANCE

- Represents leading investment advisory firm in connection with books and records demand targeting portfolio company suspected of engaging in massive fraud and operating a Ponzi scheme. *Hightower Advisors in Alfredo J. Martinez, et al. v. GPB Capital Holdings, LLC*; C.A. No. 2020-0545-SG; Delaware Court of Chancery
- Represents Liechtenstein foundation with matters in Delaware, New York, Cayman Islands, Panama, Curacao, Liechtenstein, Switzerland, and United Kingdom. *In re Cote d'Azur*, C.A. No. 2017-0290-JTL; Delaware Court of Chancery
- Represents member of the Saudi Royal family in connection with claims pending in the Delaware Court of Chancery and Grand Court of the Cayman Islands seeking to resolve disputes under a limited liability operating agreement related to control, dissolution, and distribution of entity assets. *His Royal Highness Prince Faisal Bin Abdullah Bin Abdulaziz Al Saud v. Her Royal Highness Princess Fahdah Husain Abdulrahman Al-Athel, et al.*, C.A. No. 2018-0364-PAF; Delaware Court of Chancery
- Represents pioneering beverage company in a wide variety of cases involving books and records demands, allegations of breach of fiduciary duties, class action claims, and breach of contract claims. *Jimmy Lacy, Jr. v. National Beverage Corporation*, C.A. No. 2019-0583-JTL; *Scott Swan v. National Beverage Corporation*, C.A. No. 2019-0630-JTL; Delaware Court of Chancery
- Represents full-service home medical equipment company in connection with various litigations in the Delaware Court of Chancery, including claims seeking access to books and records and claims related to post-closing adjustments pursuant to the merger and asset purchase agreement
- Represents an ecosystem of companies pioneering cloud-based technologies to enable business to scale globally in connection with books and records demands pursuant to 8 Del. C. Section 220. *John Solak v. eXp World Holdings*; C.A. No. 2020-1066-PAF; Delaware Court of Chancery
- Represents directors seeking entitlement to the advancement of legal fees and defense costs. *Theodore Blackmon v. O3 Insight, Inc.*, C.A. No. 2020-1014-SG; Delaware Court of Chancery
- Represented ultra-high-net-worth family in multijurisdictional litigations involving a private equity fund and claims for breach of contract, violations of securities laws, and breach of fiduciary duty. *Ritchie CT Opps, LLC v. Huizenga Managers Fund, LLC*, C.A. No. 2018-0196-SG, A.R. *Thane Ritchie v. Huizenga Managers Fund, LLC*, C.A. No. N17C-05-598 MMJ CCLD; *Ritchie Multi-Strategy Global v. Huizenga*, C.A. No. N18C-05-050-MMJ CCLD, *Ritchie Capital Management, LLC, et al v. Huizenga Managers Fund, LLC*; C.A. No. N18C-05-050-MMJ CCLD; Delaware Superior Court
- Represented leading provider of home security services in connection with claims for theft of trade secrets and breaches of fiduciary duty. *ADT Holdings, Inc. v. Michael Harris, et al.*, C.A. No. 2017-0328-JTL; Delaware Court of Chancery

MEDIA

- Represents full-scale production studio in connection with breach of limited liability company agreement and non-competition covenant dispute
- Represents integrated media and entertainment company in connection with intellectual property disputes and patent litigation. *SITO Mobile R&D IP, LLC, et al v. World Wrestling Entertainment, Inc.*, C.A. No. 21-721-CFC; *Rothschild Broadcast Distribution Systems, LLC. v. World Wrestling Entertainment, Inc.*, C.A. No. 20-397-MN; United States District Court for the District of Delaware
- Represents consortium of angel investors in litigation against interactive advertising and media company related to the repayment and conversion of convertible notes. *Valhalla Partners II, L.P., et al. v. Vistar Media, Inc.*, C.A. No. 2019-0202-SG; Delaware Court of Chancery
- Represents Guernsey venture capital fund in various disputes in state and federal court involving investment in immersive entertainment and 3-D technology company
- Represented reality television personality in connection with a challenge to corporate control and litigations involving claims of breach of contract and breaches of fiduciary duty. *Thomas Derbysire v. Paul Teutul Sr.*, C.A. No. 2017-0272-SG; Delaware Court of Chancery

AEROSPACE

- Represents leading manufacturer of unmanned aircraft systems and tactical missile systems in connection with claims involving a post-closing adjustment dispute. *Webasto Charging Systems, Inc. v. Aerovironment, Inc.*, C.A. No. N19C-02-203 MMJ CCLD; Delaware Superior Court
- Represents aerospace defense contractor in connection with breach of contract action regarding regeneration of F1 aircraft
- Represented private aviation company in connection with breach of contract and tortious interference action.
- Represents private jet charter company in connection with books and records demands

ENERGY

- Represented leading private equity investment fund in connection with the development of liquefied natural gas facility and pipeline in New England. *PNEC, LLC v. Liberty Utilities (Pipeline & Transmission) Corp.*, C.A. No. 2018-0065-JRS; Delaware Court of Chancery
- Advises national electrical construction company in corporate governance, employment issues, regulatory compliance, and project management
- Represents global group of energy companies in connection with corporate governance and breach of fiduciary duty action

LIFE SCIENCES AND TECHNOLOGY

- Represents global chemical companies in connection with insurance coverage claims against insurance carriers related to the chemical benzene. *E.I. duPont de Nemours and Co. v. TIG Insurance Company*, C.A. No. N21C-05-015 MAA CCLD; Delaware Superior Court

- Represents leading global innovator, developer, manufacturer, and marketer of specialty medical devices in patent infringement dispute with significant competitor related to the development and sale of ankle fusion plating systems. *OsteoMed LLC v. Wright Medical Technology, Inc.*, C.A. No. 20-1621-RGA; United States District Court for the District of Delaware
- Represents manufacturer of branded and generic pharmaceutical products in patent litigation against direct competitor related to the development and sale of cocaine hydrochloride nasal spray. *Genus Lifesciences Inc. v. Lannett Company, Inc.*, C.A. No. 20-770-LPS; United States District Court for the District of Delaware
- Represents international provider of clinical research and trial management services in connection with claims arising out of alleged breaches of a Master Services Agreement for the conducting of clinical trials of a medicated gel for the treatment of diabetic foot ulcers. *JSS Medical Research Inc. v. FirstString Research, Inc.*, C.A. No. N20C-06-146 EMD CCLD; Delaware Superior Court
- Represents controlling stockholder of biotechnology licensing company against claims by minority shareholders alleging breach of fiduciary duty, waste of corporate assets, and against minority shareholders attempting to wrest corporate control from founding shareholder. *Timothy J. Harris, et al. v. Harris FRC Corporation, et al.*, C.A. No. 2019-0736-JTL; Delaware Court of Chancery
- Represents leading innovator of houseware and consumer electronics in an insurance coverage action seeking reimbursement for costs related to third-party claims for patent infringement, deceptive and unfair trade practices. *Indian Harbor Insurance Company v. SharkNinja Operating LLC, et al.*, C.A. No. N20C-02-014 PRW CCLD; Delaware Superior Court
- Represented multinational information technology company in connection with the licensing dispute seeking additional licensing fees following an audit uncovering millions of dollars in underreported software usage. *Internap Corporation v. Insync Healthcare Solutions LLC*, C.A. No. N19C-05-034 EMD CCLD; Delaware Superior Court
- Represents multinational aerospace and technology conglomerate in connection with intellectual property dispute over technology for cellular communications networks. *Sisvel International S.A., et al. v. Honeywell International, Inc.*, C.A. No. 19-1143-MN and C.A. No. 20-652-MN; United States District Court for the District of Delaware
- Represents venture capital fund that invests in start-up robotics technology in connection with breach of contract dispute
- Represented leader in the development of innovative solutions for the freight and passenger rail industries in connection with the prosecution of a patent infringement action against a competitor and in defense of antitrust litigation brought by a competitor. *Westinghouse Air Brake Technologies Corporation v. Siemens Mobility, Inc.*, C.A. No. 17-1687-LPS; *Siemens Mobility, Inc. v. Westinghouse Air Brake Technologies Corporation*, C.A. No. 16-284-LPS; United States District Court for the District of Delaware
- Represented online travel platform in patent infringement action. *T-Jat Systems 2006 Ltd. v. Expedia, Inc., et al.*, C.A. No. 16-581-RGA; United States District Court for the District of Delaware

- Represented multinational engineering and technology company in connection with patent infringement litigation and intellectual property licensing. *Axcess International, Inc. v. Bosch Security Systems, Inc.*, C.A. No. 20-1565-RGA; United States District Court for the District of Delaware
- Represented award-winning developer of software applications for enhancing cybersecurity defense protocols for the finance, banking, retail, and higher education industries in patent infringement action. *Phishme, Inc. v. Wombat Security Technologies, Inc.*, C.A. No. 16-403-LPS-CJB; United States District Court for the District of Delaware
- Regularly represents world's largest online retailer and cloud serve provider in connection with intellectual property matters including patent infringement litigations in the United States District Court for the District of Delaware

ANTI-HUMAN TRAFFICKING

- Obtained jury verdict of \$1.5 million in damages for pro bono client in Delaware district court. *Cohen v. Cohen*, C.A. No. 19-1219-MN; United States District Court for the District of Delaware
- Represents leading international NGO in researching legal framework for human trafficking and forced labor in Malaysia and Indonesia
- Represents leading international NGO in researching legal framework for forced labor in the Thai fishing industry
- Advised a non-profit organization on drafting its template for corporate anti-human trafficking policies