

## Matthew N. Kane



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Matthew Kane has broad experience representing persons and entities involved in SEC matters as well as business litigation cases. He is a skilled litigator who digs into the details while remaining focused on the big picture so that together, he and his clients make good, informed decisions about risk management and case strategy.

Matthew regularly represents targets of SEC or FINRA investigations or civil enforcement actions, and individuals charged with violations of securities laws. His clients include executives at hedge funds, mutual funds, accounting firms, traders and large and small corporations in connection with allegations of insider trading, market manipulation, options backdating, false statements or inadequate disclosures, among others. In defending these cases, Matthew is skilled at scrutinizing the facts, the applicable regulatory rules and case law in the context of the facts at issue, and presenting effective arguments to advocate for his clients' interests. From the outset, he develops a clear strategy and counsels clients with respect to the attendant risks and decision-making as the defense proceeds.

In addition to securities cases, Matthew brings and defends complex business litigation claims on behalf of businesses, executives, business owners and employees. The issues in dispute often involve contract claims, non-competition agreements, breach of fiduciary duty, cost-accounting claims, management and control of closely-held corporations, allegations of unfair and deceptive trade practices and more. Matthew learns about the clients' business and industry, evaluates alternatives to litigation and, when necessary, aggressively litigates these matters in courts or in arbitrations.

In addition to private practice, Matthew served as a Special Assistant District Attorney in Middlesex County, Massachusetts. In that role he represented the Commonwealth in numerous bench and jury trials. He was also appointed by the governor to the Massachusetts State Ethics Commission which oversees enforcement of conflict-of-interest laws and served as its Vice-Chairman.

Matthew is honored as a Massachusetts Super Lawyer and was a Super Lawyer Rising Star.

## Matthew N. Kane

### RELATED PRACTICES

SEC Enforcement Defense  
White Collar Defense &  
Government Investigations  
Complex Business Litigation

### EDUCATION

JD, *cum laude*, Boston  
University School of Law, 1997  
BA, *magna cum laude*,  
Harvard College, 1993

### BAR ADMISSIONS

Massachusetts

### EXPERIENCE

#### SEC Enforcement Defense

- Represented an individual formerly employed by a mutual fund in connection with a Securities and Exchange Commission investigation of the fund's disclosures related to its sub-prime holdings.
- Represented a pharmaceutical executive in allegations of insider trading.
- Represented several individuals at a multi-national corporation in connection with an investigation conducted by the SEC concerning derivatives accounting and revenue recognition.
- Represent an accounting firm in connection with an SEC investigation into a privately-held company.
- Represented the owner of a publicly traded corporation in connection with a Securities and Exchange Commission investigation into alleged "market manipulation."
- Represented the spokesperson for a publicly traded corporation in connection with an alleged false statement made at an investor conference.
- Represented individuals employed by hedge funds and mutual funds in investigations conducted by the SEC and various state agencies involving allegations of market timing.
- Represented a trader in connection with an investigation conducted by the Securities and Exchange Commission and others concerning the "gift and gratuities" policies of a leading investment firm.
- Represented outside director of major telecommunications company in connection with "options backdating" investigation.
- Represented two brokers in FINRA customer arbitration concerning the alleged suitability of investment selections.

#### Merger & Acquisition Disputes

- Represented the seller—a dental benefits administrator—in connection with a post-acquisition dispute with the buyer following the \$100 million sale of the company. Successfully resolved the case on the first day of arbitration.

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### **Complex Commercial Litigation**

- Represented an individual shareholder in an action against a closely-held corporation alleging violations of the Blue Sky laws and common law fraud. Successfully resolved the matter in mediation following discovery.
- Represented a shareholder in connection with her redemption from a closely-held family business. Successfully resolved claim pre-litigation.

### **Complex Commercial Litigation cont.**

- Obtained dismissal of all claims in a suit filed by the estate of an alleged victim of the Winter Hill Gang against the United States and several former FBI agents.
- Obtained dismissal of claims brought by a student loan recipient against various lending institutions alleging, among other things, violations of the Fair Credit Reporting Act and Fair Debt Collection Practices Act.
- Obtained dismissal of a shareholder suit against former directors of a telecommunications company based on alleged fraud and breach of fiduciary duties.
- Represented a medical device company in an 85-day arbitration involving complex cost accounting and allegations of breach of contract, fraud, and violations of M.G.L. c. 93A.
- Represented a homeowner in a complex suit against a general contractor and sub-contractors involving complex issues of insurance carrier liability.

### **Employment Litigation**

- Successfully defended a national medical consulting company and several of its key managerial employees against a competitor's motion for a preliminary injunction alleging violation of non-competition and confidentiality agreements, and misappropriation of trade secrets.
- Represented a company in connection with claims against a former employee and his son engaged in direct competition and customer solicitation in violation of various agreements. Successfully resolved the matter after filing preliminary injunction papers.
- Successfully defended an IT professional in connection with a claim that he violated non-competition and non-solicitation agreements.
- Successfully negotiated a trader's separation agreement from hedge fund pre-litigation.