



Matthew P. Diehr

PARTNER

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OVERVIEW

A dynamic litigator, Matt represents clients in high-stakes commercial matters, in criminal matters initiated by the federal government, and in multi-state investigations and regulatory enforcement actions brought by State Attorneys General.

Matt concentrates his practice on representing clients facing enterprise-threatening commercial litigation, defending clients and their businesses in state and federal courts across the country. He has a successful track record at trial and is known as a talented writer who can win a case through dispositive motion practice.

As co-founder and leader of the firm's State Attorneys General group, Matt has also built a national practice that has grown alongside client needs. He frequently interfaces with State Attorneys General across the country, advocating for clients on important policy positions and cases of national importance and supporting clients through sensitive litigation, antitrust matters, and multi-state investigations and regulatory enforcement matters brought by State Attorneys General.

In addition to his work leading the State Attorneys General group, Matt has represented clients in high-profile matters before the U.S. Attorney for the Southern District of New York, the U.S. Department of Justice (DOJ) Antitrust Division, the Federal Trade Commission (FTC), and numerous other United States Attorney's Offices. An experienced investigator, he routinely conducts thorough internal investigations in an effort to help corporate clients uncover and correct issues before government charges are filed.

Industries

Manufacturing
Technology
Transportation

Services

Antitrust & Competition
Antitrust Litigation
Appellate
False Claims Act
Government Solutions
Litigation & Alternative Dispute Resolution
Proposition 65
Startups
State Attorneys General Practice
Tax
Tax Controversy
White Collar, Internal Investigations & Compliance

Matt's recent successes include:

- Successfully represented a high-ranking executive in the telecommunications industry accused of conspiracies to commit wire fraud, mail fraud, and money laundering. *United States vs. Pajackowski*, S.D.N.Y., 15-cr-606. Despite sentencing guidelines suggesting 20-25 years of incarceration, the client was sentenced only to time served.
- As first-chair trial counsel, obtained sizable jury verdict for compensatory damages in U.S. District Court, Eastern District of Missouri. (*Williams v. Tate, et al.*, No. 4:17-cv-1282-JCH, U.S. District Court, Eastern District of Missouri)
- Counseled clients applying for and receiving corporate leniency from DOJ Antitrust. No criminal charges were filed against the client.
- Representing a medical provider in a DOJ investigation alleging improper pricing; matter resolved with no press attention for a fraction of predicted penalties.
- Obtaining preliminary injunction against enforcement of California's Proposition 65 warning requirement on First Amendment grounds; case currently stands as the only time a federal court has enjoined a Proposition 65 warning requirement on First Amendment grounds.
- Prevailing on a motion to dismiss in the representation of a healthcare facility in a qui tam matter alleging damages of approximately \$33 million; client instead received a judgment for an award of attorneys' fees and litigation costs against whistleblowers which was successfully defended on appeal.

Experience

LITIGATION

- Counsel for Melrose Industries and GKN Aerospace companies in complex commercial litigation with a large aerospace customer. (*The Boeing Company v. Melrose Industries PLC, et al.*, No. 22SL-CC05336, Circuit Court of St. Louis County, Missouri)

Experience

- As first-chair trial counsel, obtained sizable jury verdict for compensatory damages in U.S. District Court, Eastern District of Missouri. (*Williams v. Tate, et al.*, No. 4:17-cv-1282-JCH, U.S. District Court, Eastern District of Missouri)
- Ninth Circuit affirmed injunction from the District Court, Eastern District of California, against enforcement of California's Proposition 65 warning requirement as to the herbicide glyphosate on First Amendment grounds, because the cancer warning would be misleading and factually controversial as to glyphosate. This currently stands as the only time a federal court has enjoined a Proposition 65 warning requirement on First Amendment grounds. The case remains pending before the district court. (*National Association of Wheat Growers v. Zeise*, 309 F. Supp. 3d 842, 849, E.D. Cal. 2018)
- Obtained one of the first ever permanent injunctions under Defend Trade Secret Acts (DTSA) in a high-profile corporate espionage and deceptive trade secrets case. (*Monsanto Company et al v. Chen*, No. 4:16-cv-00876-CDP, U.S. District Court, Eastern District of Missouri)
- As first-chair trial counsel, obtained jury verdict for compensatory and punitive damages in U.S. District Court, Southern District of Illinois. (*Ford v. Wexford Health Source, et al.*, No. 3:11-cv-992-PMF, U.S. District Court, Southern District of Illinois)
- Prevailed on motion to dismiss in the representation of a healthcare facility in a *qui tam* matter before the U.S. District Court, District of Colorado. Whistleblowers had alleged damages of approximately \$33 million, but our client instead received a judgment for an award of attorneys' fees and litigation costs against whistleblowers. Successfully defended the district court decision on appeal. (*United States ex rel. Hanlon v. Columbine Health Systems*, No. 1:13-cv-826-REB-KLM, U.S. District Court, District of Colorado)
- Successfully petitioned the Eighth Circuit Court of Appeals for a rare writ of mandamus compelling the U.S. District Court to recognize our client as victim of a Ponzi scheme, allowing client to receive restitution as the victim of a federal financial crime. (*In re Michael Ursch*, No. 15-1859, U.S. Court of Appeals, Eighth Circuit)

Experience

- Achieved favorable results in U.S. District Court, Western District of Texas, for executive at medical device manufacturing company against allegations of \$500 million fraud scheme.

INVESTIGATIONS

- Counseled clients applying for and receiving corporate leniency from DOJ Antitrust. No criminal charges were filed against the client.
- Representing a medical provider in a DOJ investigation alleging improper pricing; matter resolved with no press attention for a fraction of predicted penalties.
- Counseled grand jury subpoena recipients in "Operation Varsity Blues" matter initiated by United States Attorney's Office for District of Massachusetts. No criminal charges were filed against the client.
- Conducted numerous internal investigations for publicly traded and privately held companies in a variety of industries, including sustainable agriculture, healthcare, manufacturing, defense contracting and religious organizations in the areas of trade secret theft, healthcare fraud, employee misconduct, and environmental violations, among others.
- Member of team that successfully represented employees of a Major League Baseball team in a data breach, corporate espionage matter.
- Successfully represented a high-ranking executive in the telecommunications industry accused of conspiracies to commit wire fraud, mail fraud, and money laundering. *United States vs. Pajackowski*, S.D.N.Y., 15-cr-606. Despite sentencing guidelines suggesting 20-25 years of incarceration, the client was sentenced only to time served.

Recognition

- *The Best Lawyers in America*®, Appellate Practice, 2024
- *Benchmark Litigation*, 40 & Under Hot List, 2023
- *Missouri Lawyers Media*, POWER List for White Collar Defense, 2020-2022
- *Missouri & Kansas Super Lawyers*, Litigation, Rising Star, 2018-2019

Education

- J.D., Saint Louis University School of Law
- B.A., Tulane University

Admissions

- Missouri
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Missouri
- Illinois
- U.S. District Court, Southern District of Illinois
- U.S. District Court, District of Kansas
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Tax Court



2024 Best Lawyers