

## Matthew M. Graham



Shareholder

Miami Office

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### PRACTICE AREAS

Litigation & Dispute Resolution

Insurance

Bankruptcy & Creditors' Rights

Banking & Financial Institutions

Real Estate

Class Actions

### OVERVIEW

Matthew M. Graham is a Shareholder in the Litigation Department, focusing on complex commercial litigation, fiduciary litigation, and insolvency/bankruptcy litigation.

Prior to joining the firm, Matthew served as Law Clerk to Judge Robert A. Mark at the United States Bankruptcy Court for the Southern District of Florida and was an attorney in the Financial Insolvency & Restructuring Department of an international law firm.

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## REPRESENTATIVE EXPERIENCE

### Complex Commercial Litigation

Counsel to investors in venture-backed technology company in lawsuit against former directors and officers for violations for federal and state securities laws connected to pre-IPO fundraising efforts.

Counsel to Internal Revenue Code § 1031 real estate investors in class action lawsuit against commercial real estate firm serving as property manager and financing broker for breach of fiduciary duty, fraud, and related torts arising from sponsor's embezzlement of investor funds. Part of team that obtained \$100 million settlement, providing investors with 71.6% recovery of losses.

Counsel to federal savings bank in class action checking account overdraft fee lawsuit. Obtained dismissal or summary judgment on all claims. Affirmed on appeal.

Counsel to aviation components broker and principal, defending breach of fiduciary duty claims brought by judgment creditors on behalf of clients' former business associate. Obtained dismissal of all claims on motion to dismiss.

Counsel to merchant lender in arbitrations to enforce promissory notes and guarantees over defenses including unenforceable choice of law provision, usury, and non-arbitrability. Obtained multiple arbitration awards against borrowers and guarantors.

Other areas of experience include commercial tort litigation, contract litigation, real property litigation, fraudulent transfer litigation, creditors' rights and collections litigation, and class action litigation.

### **Insolvency and Bankruptcy Litigation**

Counsel to officer, director, and sole shareholder of nationwide chain of surgery centers in adversary proceeding brought by bankruptcy trustee alleging breach of fiduciary duties. Obtained favorable settlement within D&O insurance policy limits

Counsel to real estate investment firm in litigation to enforce contract to purchase office building in receivership proceeding, bankruptcy proceeding, and adversary proceeding. Obtained appointment of chapter 11 trustee and favorable settlement facilitating client's purchase of the property at the initial contract price.

Counsel to chapter 7 trustee in bankruptcy of medical entrepreneur in connection with foreign plaintiff's efforts to implead trustee and enjoin distributions from the bankruptcy estate. Obtained order enforcing automatic stay, granting injunctive relief, and awarding sanctions.

Counsel to depository bank, commercial lender, and feeder fund principal in tort and fraudulent transfer lawsuits brought by bankruptcy trustees and private plaintiffs in connection with the Bernie Madoff and Tom Petters Ponzi schemes.

### **Pro Bono Litigation**

Counsel to disabled individual in lawsuit to recover clear title to home of more than 30 years from individual who tricked client into conveying title. Obtained summary judgment in favor of client, recovering clear title to his home.

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## **PROFESSIONAL & COMMUNITY INVOLVEMENT**

American Bar Association, Business Bankruptcy Committee and Corporate Governance Subcommittee

Bankruptcy Bar Association for the Southern District of Florida

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## **RECOGNITION**

*Florida Super Lawyers, Rising Star, 2018-2020*

University of Miami Law School Merit Scholarship

Edwin Willinger Scholarship

Podhurst, Orseck Scholarship

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## **PUBLICATIONS & PRESENTATIONS**

**Publications:** [Miami Luxury Condos, the Panama Papers and Foreign Judgments](#)

Daily Business Review | April 2016

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**Publications:** [Strategic Claim Purchasers Beware, Motive Counts](#)

Financial Restructuring and Insolvency Notes | February 2011

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## NEWSROOM

**Firm Announcements:** [Stearns Weaver Miller Lawyers Recognized in 2020 Florida Super Lawyers](#)

| June 2020

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**Firm Announcements:** [Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2019](#)

| June 2019

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**In the Media:** [CBRE To Pay \\$100M To End Class Action By Realty Investors](#)

Law360 | | August 2018

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**Firm Announcements:** [Stearns Weaver Miller Lawyers Recognized in Florida Super Lawyers 2018](#)

| June 2018

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**In the Media:** [Cabot Investors Win Class Cert. In \\$157M Fraud Suit](#)

Law360 | | March 2018

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**Firm Announcements:** [Stearns Weaver Miller Names Three New Shareholders](#)

| September 2017

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**In the Media:** [Going the Distance](#)

The Florida Bar Journal | | March 2017

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## EDUCATION

J.D., *magna cum laude*, University of Miami School of Law, 2010

Order of the Coif

Dean's Certificates for Outstanding Academic Performance in:

Evidence

Latin American Law

Legal Research and Writing

B.A., University of Central Florida, 2006

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## ADMISSIONS

Florida

United States District Court for the Southern District of Florida

United States Bankruptcy Court for the Southern District of Florida