



## Matthew W. Beato

Partner



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Matt represents professional liability and general liability insurers in complex coverage litigation before federal and state courts nationwide. He also provides strategic counseling and serves as monitoring counsel for insurers under a variety of coverages, including directors and officers, financial institution professional liability, cyber risk, lawyers malpractice, employment, and media and technology.

### Representative Matters



- Obtained dismissal of coverage litigation in Delaware state court asserting that an appraisal action under Del. Gen. Corp. Law § 262 was brought “for” a Wrongful Act as required by a D&O liability policy. *Jarden, LLC v. ACE Am. Ins. Co.*, No. CVN20C0311, 2021 WL 3280495 (Del. Super. Ct. July 30, 2021), *aff’d*, – A.2d – (Del. Mar. 3, 2022).
- Obtained summary judgment in California state court that insured v. insured exclusion precluded coverage for shareholder derivative action. *International Walls Inc. fka Art. com, Inc. v. Allied World Assurance Co. (U.S.) Inc.*, CGC-20-587590 (Cal. Super Ct. Nov. 1, 2021).
- Obtained dismissal of coverage litigation in Delaware federal court that insured’s failure to provide timely notice under claims-made-and-reported policy precluded coverage and that “notice-prejudice” rule did not apply. *Georgian Am. Alloys, Inc. v. AXIS Ins. Co.*, 1-20-cv-01634-LPS (D. Del. Apr. 12, 2021).
- Won dismissal of coverage litigation for insurer in decision holding that policyholder’s “non-specific,” “boiler-plate” notice of potential claim was insufficient as a matter of law to provide

### Practice Areas



Insurance  
Litigation

### Credentials



#### Education

J.D., *magna cum laude*, Georgetown University Law Center

B.A., College of William & Mary

#### Law Journals

Executive Notes Editor, *Georgetown Law Journal*

#### Bar and Court Memberships

District of Columbia Bar

Virginia Bar

U.S. Court of Appeals for the Third, Fourth, Sixth, and Eleventh Circuits

U.S. District Courts for the District of Colorado, District of Columbia, Eastern District of Virginia, Northern District of Florida, and Western District of Tennessee

#### Certifications

Legal Lean Sigma Institute (LLSI) White Belt

notice of an unmentioned \$610 million settlement proposal from the U.S. Department of Justice concerning a False Claims Act investigation. *First Horizon Nat'l Corp. v. Houston Cas. Co.*, No. 15-cv-2235-SHL-dkv, 2017 WL 2954716 (W.D. Tenn. June 23, 2017), *aff'd* 742 F. App'x 905 (6th Cir. 2018).

- Obtained multiple successful discovery-related rulings for insurer on issues relating to reserves, reinsurance, privilege, work product, compliance with procedural requirements, and discovery regarding claims against other policyholders. *First Horizon Nat'l Corp. v. Houston Cas. Co.*, No. 15-cv-2235-SHL-dkv, 2016 WL 5869580 (W.D. Tenn. Oct. 5, 2016) & 2016 WL 5867268 (W.D. Tenn. Oct. 5, 2016) & 2017 WL 3252238 (W.D. Tenn. Mar. 6, 2017).
- Obtained summary judgment in Florida federal district court that employment practices liability insurer had no duty to defend or indemnify a licensing action involving a dentist alleged to have engaged in sexual misconduct with sedated minor patients. *Turbyfill v. Scottsdale Indem. Co.*, 3:14-cv-283, 2016 WL 741657 (N.D. Fla. Feb. 24, 2016).
- Obtained summary judgment in Florida federal district court in favor of general liability insurer that it had no duty to indemnify an underlying personal injury matter because of a pollution exclusion. *Shaw v. Liberty Mut. Fire Ins. Co.*, No. 6:15-CV-686-ORL-TBS, 2016 WL 561409 (M.D. Fla. Feb. 12, 2016).
- Represented two insurance industry trade associations participating as *amici curiae* before the Appellate Division of the New York Supreme Court in one of the first data breach-related insurance coverage cases to reach an appellate court. *Zurich Am. Ins. Co. v. Sony Corp. of Am.*, 651982/11 (N.Y. Sup. Ct. App. Div.).
- Successfully represented insurer in Florida state court in case involving late notice under claims-made-and-reported policies. *Close Construction LLC v. Greenwich Insurance Co.*, 2014CA344 (Fla. Cir. Ct.).
- Provides strategic advice to insurers in coverage matters involving policies issued to financial institutions, law firms, software companies, investment advisers, investment companies, and other public and private companies.
- Regularly serves as coverage and monitoring counsel for insurers in matters involving emerging exposures, including cyber risk, privacy and data breach, and technology claims.

## Professional Experience

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- Summer Law Clerk, U.S. Attorney's Office for the District of Columbia, Civil Division (2010)

## Affiliations

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- Professional Liability Underwriting Society (PLUS)