



MATTHEW B. BAUMGARTNER

Shareholder

**ADMINISTRATIVE & REGULATORY
LITIGATION, APPELLATE LAW,
CIVIL LITIGATION**

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ABOUT

Mr. Baumgartner is a trial and appellate lawyer who represents Graves Dougherty clients in a variety of litigation matters in both state and federal court. Mr. Baumgartner recognizes that when clients become involved in litigation, the stakes are often very high. Mr. Baumgartner has an uncompromising commitment to achieve the best possible outcome for Graves Dougherty clients, and prides himself on working with clients to craft and execute the right strategy for each case.

PROFESSIONAL QUALIFICATIONS

- Bar Associations: Texas, 2008; District of Columbia, 2007; Maryland, 2005.
- Appellate Courts: Fifth Circuit Court of Appeals; Federal Circuit Court of Appeals.
- Federal District Courts: Western District of Texas; Southern District of Texas.
- Education: University of Texas at Austin (B.A., with High Honors and Special Honors in Government, 2000), Phi Beta Kappa, 2000; University of Michigan Ford School of Public Policy (M.P.P., 2002); University of Michigan Law School (J.D., cum laude, 2004), Associate and Contributing Editor, Michigan Law Review (2003-04).
- *Associate*, Wilmer, Cutler, Pickering, Hale and Dorr, LLP, Washington, D.C., October 2006 – August 2007
- *Law Clerk*, U.S. District Judge William Wayne Justice, Austin, TX, August 2005 – August 2006
- *Interim Director*, Common Cause of Michigan, Ann Arbor, MI, February 2002 – February 2003

REPRESENTATIVE EXPERIENCE

Mr. Baumgartner's recent representation of Graves Dougherty clients includes:

- Appellate counsel in *Texas Mutual Insurance Company v. Integrated Claims Systems, LLC*, No. 2013-1431 in the United States Court of Appeals for the Federal Circuit. Along with Graves Dougherty attorneys Pete Schenkkan and Matt Powers, Mr. Baumgartner's briefing to the Federal Circuit challenges the jurisdictional dismissal GDHM client Texas Mutual's lawsuit seeking a judgment that patent infringement claims by ICS were without merit.
- Appellate counsel in *Texas Indigenous Council and Antonio Diaz v. G.D. Simpkins et al.*, No. 12-50244 in the United States Court of Appeals for the Fifth Circuit. Mr. Baumgartner briefed and argued to the Fifth Circuit that GDHM's *pro bono* clients' First Amendment claims had been improperly dismissed on procedural grounds. The Fifth Circuit agreed, and reversed the dismissal and remanded the case to proceed on the merits.
- Lead trial counsel for founding member of an Austin start-up entity who had been ousted in connection with a new round of funding. GDHM was able to obtain a temporary injunction for its client that then led to a mutually agreeable settlement.
- Lead appellate counsel in *Texas Mutual Insurance Company & Gloria Williams v. Jeff Palmer*, No. 05-12-00893-CV in the Dallas Court of Appeals. Mr. Baumgartner also served as counsel in the 2012 trial of *Jeff Palmer v. Texas Mutual Insurance Company*, Cause No. 07-8017 in Dallas County District Court, in which he participated in the trial and argued the jury charge and trial motions.
- Trial court representation of a FINRA-registered investment advisory company. Mr. Baumgartner achieved complete summary judgment dismissal of the plaintiff's claims of fraud, negligence, unfair trade practices and Texas Securities Act violations. *O'Grady v. Mandalay Financial, LLC, et al.*, Cause No. D-1-GN-08-003415 in Travis County District Court.
- Representation of Texas-based health care provider in a series of minority shareholder claims arising from an asset sale.
- Trial and appellate representation of Texas' largest workers' compensation insurer, in which Graves Dougherty attorneys achieved complete summary judgment dismissal of the plaintiff's "bad-faith" claims handling allegations. *Charles E. Durst, Jr. v. Texas Mutual Insurance Company*, No. 04-09-00430-CV, 2010 WL 3332198 (Tex. App.—San Antonio Aug. 25, 2010, pet. denied).
- Second-chaired trial representing two major newspaper publishing companies, in which GDHM successfully litigated the publishing companies' open records requests.
- Represented a large commercial bank in litigation arising from defaults on real estate investment loans. Following summary judgment, GDHM achieved a favorable settlement requiring repayment of substantial amounts to the bank.

- Mr. Baumgartner's recent practice has included appellate and *mandamus* briefing of bad-faith claims handling issues in the workers' compensation context on behalf of Texas' largest workers' compensation insurer, including: *Texas Mutual Ins. Co. v. Ruttiger*, Case No. 08-0751 in the Texas Supreme Court; *Texas Mutual Ins. Co. v. Morris*, Case No. 09-0495 in the Texas Supreme Court; *In re Texas Mutual Ins. Co. and Evie Villarreal*, Case No. 09-0508 in the Texas Supreme Court.
- Mr. Baumgartner's *pro bono* practice includes First Amendment and Americans With Disability Act litigation in federal court, as well as representation of clients referred through GDHM's on-going partnership with Volunteer Legal Services.

Before joining Graves Dougherty Mr. Baumgartner was a litigation associate at the Washington, D.C. firm Wilmer Cutler Pickering Hale and Dorr, LLP, from 2006 to 2007, where his experience included:

- Federal False Claims Act litigation involving U.S.A.I.D. construction contracts in the Middle East.
- Representation of a major mutual fund advisor in a federal SEC investigation into marketing and advertising practices.
- Representation of a private defense contractor in a federal investigation leading to the indictment and conviction of a United States Congressman on federal bribery and corruption charges.

PROFESSIONAL AFFILIATIONS

- Texas State Bar Association
- Austin Bar Association
- Austin Young Lawyers' Association
- District of Columbia Bar
- Maryland State Bar Association
- American Bar Association

AWARDS AND HONORS

- Texas Civil Rights Project Kristi Couvillon Pro Bono Award, 2013
- *Texas Monthly*, Super Lawyers[®] Rising Star, published by Thomson Reuters, 2010-2017

PUBLICATIONS AND PRESENTATIONS

- *Pleas to the Jurisdiction in Texas Administrative Law*, Texas Tech Administrative Law Journal, Vol. 11, No. 1 (Fall 2009), co-author Pete Schenkkan.
- *Speaker*: 4th Annual Advanced Texas Administrative Law Seminar, August 27-28, 2009, Administrative and Public Law Section of the State Bar of Texas, Austin Bar Association Administrative Law Section and The University of Texas School of Law.
- *SWANCC's Clear Statement: A Delimitation of Congress's Commerce Clause Authority to Regulate Water Pollution*, Michigan Law Review, Vol. 103, No. 8 (August 2005).