

# Matthew J. Kalmanson

## CO-MANAGING PARTNER

Matt is an experienced litigation and appellate attorney.

An accomplished litigator and skilled negotiator, Matt has extensive experience representing national, regional and local clients in high-value, complex litigation. His clients include financial institutions, entertainment companies, hospitals, national and local law firms, public entities, and many executives, officers, directors, professionals and business owners.

Matt's specialty is litigating complicated disputes. He has experience with cases involving business transactions, professional duties, securities fraud, accounting and finance, shareholder disputes, class actions, derivative actions, trust and partnership disputes, and "alter ego" claims. Matt has litigated many cases challenging or focused on constitutional, statutory and regulatory provisions and schemes, including First Amendment and related cases. He has particular expertise with matters arising out of the Oregon Securities Act.

Matt also has extensive appellate experience. He regularly serves as lead appellate counsel in cases throughout the Pacific Northwest, and has argued over 50 cases in state and federal appellate courts, including in the Ninth Circuit Federal Court of Appeals, the Oregon Supreme Court and the Oregon Court of Appeals. A successful track record of appeals includes numerous instances where he has procured reversals of an unfavorable court or jury verdict.

## REPRESENTATIVE CASES

### Litigation Matters

The following is a sample of recent litigation cases:

Represents national entertainment company prosecuting fraud action arising out of purchase and operation of acquired entity.

Represents director and attorney in securities fraud action related to the largest sale of cannabis company in America at the time of the relevant events.

Represents hospital in action challenging validity of ordinance that attempts to regulate medical care. Representation resulted in court invalidating ordinance.



## Contact

503-222-4499 x 1141

[mjk@hartwagner.com](mailto:mjk@hartwagner.com)

## LEGAL ASSISTANT

Inga Ward

503-222-4499 x 1145

[iow@hartwagner.com](mailto:iow@hartwagner.com)

## Practice Areas

Appellate Law

Business and Commercial Litigation

Civil Rights Defense

Insurance Coverage Litigation

Legal Malpractice Defense

Professional Liability Defense

Represented financial institution and trustee in action involving ownership and management of office tower in downtown Portland. Representation resulted in reversal of adverse verdict by Court of Appeals, and then trial court ruling in favor of clients on all claims.

Represented national law-firm in multiple cases alleging conspiracy and fraud. Representation resulted in dismissal of all claims against client.

Represented national financial broker in federal class action and related state mass actions in cases alleging liability under Oregon securities laws, in what was the largest securities fraud case in Oregon at that time. Representation resulted in favorable settlement.

Represented Chief Financial Officer of bank in high-profile federal criminal case and related FDIC action alleging wire fraud and violation of banking statutes and regulatory provisions. After seven week federal trial resulted in acquittal on some counts and conviction on others, all convictions were reversed by Ninth Circuit on appeal.

Represented national medical organization in multiple class actions arising out of medical testing program. Representation resulted in favorable settlement.

Represented municipal corporation in case defining scope of constitutional authority to regulate speech on municipal property.

Brought lawsuit against federal government on behalf of quasi-government entity regarding burdensome regulatory requirement. Representation resulted in court declaring that regulations did not apply to client, despite government's claim to the contrary.

### **Recent Appellate Matters**

Represents Columbia County in its appeal from a dismissal of a lawsuit that it filed regarding the validity of a "Second Amendment Sanctuary" ordinance. Matt procured for our client a reversal of the trial court's decision dismissing the case, which led the Court of Appeals to invalidate the ordinance. *In re Second Amendment Sanctuary Ordinance*, 324 Or App 221, \_\_\_ P3d \_\_\_ (2023).

Represents hospital and health care organization in pending appeal of adverse agency ruling regarding certificate of need rulings.

Represented former owners of company on appeal, in case defining standards for valuation of private company. Court of Appeals reversed the trial court and ruled in favor of client. *Ybarra v. Dominguez Family Enterprises, Inc.*, 322 Or App 798, \_\_\_ P3d \_\_\_ (2022).

Represented individual on appeal seeking to unwind property transaction due to fraud. Court of Appeals reversed the trial court and ruled in favor of client. *Neel v. Lee*, 316 Or App 159, 504 P3d 26 (2021).

Represented individual on appeal in trust dispute. Court of Appeals reversed the trial court and ruled in favor of client. *Borough v. Caldwell as Trustee of Loren M. Caldwell Trust*, 314 Or App 62, 497 P3d 766 (2021).

Represented individual in Oregon Supreme Court in case defining procedural requirements for Oregon lawsuits. Oregon Supreme Court reversed Court of Appeals and trial court, and ruled in favor of client. *Otnes v. PCC Structural, Inc.*, 367

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Or 787, 484 P3d 1049 (2021).

Numerous appeals representing public entities and government actors in cases alleging violations of constitution. In each, Ninth Circuit either reversed or ruled in favor of client and dismissed cases. *Elliott v. City of Eugene*, 787 Fed. Appx. 419 (9th Cir. 2019); *Johns v. City of Eugene*, 771 Fed. Appx. 739 (9th Cir. 2019); *McLane v. Salsbury*, 841 Fed. Appx. 18 (9th Cir. 2021).

Represented financial institution on appeal in lawsuit involving ownership and management of office building in downtown Portland. Court of Appeals reversed the trial court and ruled in favor of client. *Stachlowski as Trustee of Thomas P. Moyer Irrevocable Trust v. 1000 Broadway Building Limited Partnership*, 305 Or App 174, 470 P3d 376 (2020).

Represented electrical cooperative in employment case where Oregon Court of Appeals ruled in favor of client and defined the scope of several important provisions of Oregon's public accommodation law. *Fenimore v. Blachly-Lane County C.E.A.*, 297 Or App 47, 441 P3d 699 (2019).

Represented Port of Portland in case involving scope of free speech rights in international airport. *Oregon Natural Resources Council Fund v. Port of Portland*, 286 Or App 447, 398 P3d 923 (2017).

Represented county on appeal. Oregon Court of Appeals reversed jury verdict against client in case alleging intentional torts, and ruled in favor of client as a matter of law. *Miller v. Columbia County*, 282 Or App 348, 385 P3d 1214 (2016).

Represented City in employment case on appeal. The Ninth Circuit reversed jury verdict against client and ruled in clients favor as matter of law. *Weaving v. City of Hillsboro*, 763 F.3d 1106 (9th Cir. 2014).

Represented client in case before Court of Appeals and Supreme Court, in case narrowly defining scope of liability of Oregon limited liability corporations. *Cortez v. Nacco Material Handling Group, Inc.*, 356 Or 254, 337 P3d 111 (2014).

Represented construction company in significant case deciding numerous important issues related to tort and contract law. *Abraham v. T. Henry Const., Inc.*, 230 Or App 564, 217 P3d 212 (2009); 350 Or 29, 249 P3d 534 (2011).

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## EDUCATION

### Yale Law School

J.D., 1999

### University of Massachusetts

Honors Program

B.A., 1994

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## EXPERIENCE

### Hart Wagner LLP

Partner

### Oregon Legislature

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*Counsel to Judiciary Committee*  
2007 Legislative Session

**Stoel Rives LLP**

*Attorney, 2003–2006*

**Paul, Weiss, Rifkind, Wharton and Garrison LLP**, New York City, NY

*Attorney, 2001–2003*

**The Honorable Judge Susan Graber**

United States Court of Appeals for the Ninth Circuit

*Law Clerk, 2000–2001*

**Justice James Coleman**

New Jersey Supreme Court

*Law Clerk, 1999–2000*

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**ADMITTED TO PRACTICE**

Oregon State Courts

Washington State Courts

District of Oregon

Western District of Washington

Southern and Eastern Districts of New York

The United States Court of Appeals for the Ninth Circuit

United States Supreme Court

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**AWARDS AND RECOGNITION**

***Best Lawyers in America***

Appellate Practice, 2016–2025

Bet-the-Company Litigation, 2024, 2025

Commercial Litigation, 2024, 2025

Litigation — Health Care, 2024, 2025

***Oregon Super Lawyers***

Appellate Practice, 2024

Rising Star, 2008–2012

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## PROFESSIONAL ACTIVITIES AND ASSOCIATIONS

### Multnomah Bar Association

**Oregon Judicial Department**, Oregon Rules of Appellate Procedure Committee, 2014–present

**Oregon State Bar**, Executive Committee Chair of the Constitutional Law Section, 2011–present; Uniform Civil Jury Instructions Committee, 2011–2013; Securities Section; Appellate Section

**Oregon Association of Defense Counsel**, Editor, “The Verdict” Magazine, 2012–2015

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## PROFESSIONAL PUBLICATIONS

Chapter on “Civil Procedure, Dispute Resolution and Appellate Practice,” Oregon Legislation Highlights, Co-author, 2007

Contributor to Oregon State Bar publications on appellate law and procedure

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## PRESENTATIONS

*“Gaining a Better Understanding of Claims by Non-Clients”*

Panelist, National Association of Bar Related Insurance Companies Conference, August 17, 2023

*“Appellate Update: Keeping Your Practice Up to Date”*

Panelist, Oregon Association of Defense Counsel Annual Conference, June 17, 2023

Interviewed on Oregon Public Broadcasting’s program, “Think Out Loud”. Discussed a case brought by animal rights and environmental activists that is being appealed after first being dismissed by a federal judge. In their lawsuit the Animal Legal Defense Fund and Seeding Sovereignty claimed they have a constitutional “right to wilderness”, and this right is being violated by the federal government’s failure to combat climate change more vigorously. Listen online. August 30, 2019

“The Changing U.S. Supreme Court,” Featured Speaker, City Club of Portland Friday Forum, July 13, 2018

Co-organizer and Moderator, Constitutional Law Section Annual Seminar on Developments in Constitutional Law, 2011–2019

Panelist on Developments in Tort Law

Panelist on Legislative Highlights, 2007 Legislative Session

Panelist on CLE on Ethics and Judgments

Panelist on Motion Practice in Legal Malpractice Claims

*“Trends in ADA Law”*

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Oregon Bureau of Labor and Industries

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## COMMUNITY ACTIVITIES

**Pioneer Courthouse Historical Society**, Member, Board of Directors

**U.S. District Court of Oregon Historical Society**, 2005–2009, Board of Directors, 2007–2009, Board Member, 2005–2009

Pro Bono activities for refugees seeking asylum