



Matt Kline

Partner

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Matt Kline is a nationally recognized lawyer with a broad litigation practice who also advises on public policy matters.

Matt's cases are as varied as the clients he represents.

Matt heads the firm's Water Industry Group, which helps clients navigate the transactional, regulatory, and litigation issues implicated by this ever-more vital resource. Matt has twice been named California trial lawyer of the year in this area, having served as lead counsel in numerous high-profile California water cases. As a lecturer at Stanford University, Matt co-teaches a "Business of Water" class.

Matt has also received awards and recognitions as a leading copyright and trademark lawyer, handling high-profile, precedent-setting cases for clients like Warner Bros. Matt has been recognized by *The American Lawyer*, *Variety*, *Chambers*, *The Legal 500*, *Daily Journal*, the *Houston Chronicle*, *Benchmark Litigation*, and *Managing Intellectual Property* for his litigation work. Matt is a regular first chair trial lawyer in cases and arbitrations across the country and is a member of the firm's appellate practice as well.

Matt is actively involved in public service, including work as counsel on the National War Powers Commission and board service for KCRW, the Center for Early Education, and Cancer for College. He is Chairman of the Warren Christopher Scholarship committee and devotes hundreds of hours each year to running the 25-year-old scholarship program that serves public high school students in Los Angeles.

Matt has worked extensively on *pro bono* matters during his tenure at O'Melveny. His *pro bono* work has been recognized by

Admissions

Bar Admissions
California

Education

University of California at Berkeley, J.D., 1999: Order of the Coif; Editor-in-Chief, *California Law Review*; Moot Court Advocacy Award; Teaching Assistant for Contracts and Constitutional Law

University of California at Santa Barbara, B.A., 1996: College Honors; University Service Award; May Company Award; Founder and Editor-in-Chief, *Catalyst: The UCSB Undergraduate Creative Works Publication*

the Legal Aid Foundation of Los Angeles and National Lawyers Guild.

Experience

Representative intellectual property disputes:

- Represented Warner Bros. and DC Comics in long-running copyright and trademark litigation concerning Superman. As reported in the national press, Matt helped secure a string of "blockbuster" wins in these cases, including *In re Pac. Pictures Corp.*, 679 F.3d 1121 (9th Cir. 2012); *DC Comics v. Pacific Pictures Corp.*, 2013 WL 120807 (9th Cir. 2013); *Larson v. Warner Bros. Entm't, Inc.*, 2013 WL 1113259 (9th Cir. 2013); *DC Comics v. Pacific Pictures Corp.*, 545 F. App'x 678 (9th Cir. 2013); and *Larson v. Warner Bros. Entm't Inc.*, 640 Fed. Appx 630 (9th Cir. 2016).
- Represented Warner Bros. in a variety of other important matters, including copyright, idea-theft, and trademark disputes related to properties like the *Conjuring* motion picture franchise, *Gravity*, *War Dogs*, *Trouble With the Curve*, and *Westworld*; profit participation matters, including concerning the movie *Goodfellas* and television series *Gilmore Girls*; and a variety of other matters concerning the *Lord of the Rings*, *The Hobbit*, and *Harry Potter* franchises, as well as motion pictures like *A Star Is Born*. Matt also represents the company in important First Amendment cases, including a lawsuit brought by former Los Angeles Clippers owner Donald Sterling—whose \$2 billion lawsuit the court struck under California's anti-SLAPP statute.
- Represented videogame developers in various disputes, including helping one secure a nine-figure settlement for plaintiffs in a case involving contract, patent, trade-secret, copyright, and trademark claims.
- Represented various clients—including skin care, apparel, and media companies—in trademark, false advertising, and unfair competition cases. This includes defending a major clothing maker against a libel trademark action that not only resulted in victory for our client, but also in its being awarded fees and costs.
- Defeated trademark advertising claims exceeding \$80 million brought against renowned dermatologist and his company by competitor.

Representative water matters:

- Secured summary judgment victory on behalf of Coachella Valley Water District in federal groundwater water litigation, in which opponent had sought to enjoin the District from recharging the basin using Colorado River water.
- Represented California Resources Corporation (CRC) in its successful bench trial takings and due process challenges to Measure Z, a 2016 ballot initiative passed in Monterey County that sought to shut down an industry, without compensation, under the auspices of water regulations.
- Represented investment firms, agricultural firms, and others with regard to their respective water-based investment and development strategies in the Western United States, including concerning financing, water rights due diligence, water rights transfers, groundwater banking, the Sustainable Groundwater Management Act (SGMA), and U.S. Bureau of Reclamation issues.
- Advised companies on a variety of new water business strategies, including new sources of water, water wheeling, proof of concept of new water businesses, and water treatment and disposal issues.

- Advised on water rights disputes, including defending a major energy company in a series of water rights and water quality cases, including a successful First Amendment defense in a RICO action *Committee to Protect Our Agricultural Water v. Occidental Oil & Gas Corp.*, 235 F.Supp.3d 1132 (E.D. Cal. 2017).
- Representing several California agricultural growers in a first of its kind, multi-phase SGMA adjudication, including on prescriptive groundwater rights claims.

Representative international disputes:

- Defended Unocal in a series of lawsuits and investigations arising out of investments in Myanmar (Burma). Matt's work included briefing before the U.S. and California Supreme Courts, foreign investigations in several countries, and a bench trial in California where Unocal defeated plaintiffs' alter-ego claims.
- Represented many other companies (including Yahoo! and energy and natural resources companies) in Alien Tort Statute and related cases—both in litigation and before various branches of government. *E.g.*, *Saldana v. Occidental Petroleum Corp.*, 774 F.3d 544 (9th Cir. 2014); *Zheng v. Yahoo! Inc.*, 2009 WL 4430297 (N.D. Cal. 2009). These cases involved claims and work in Europe, Asia, Africa, and South America, and claims asserted under various sources of international and U.S. law, including privacy laws.
- Handled international arbitrations (including in the International Chamber of Commerce), as well as investigations in Afghanistan, Asia, and the Middle East related to criminal and intellectual property matters. Matt has also advised clients on real-estate disputes in a variety of foreign jurisdictions, including Europe and Africa.

Representative trial, appellate, and arbitration work:

- Defended Jeff Skilling, the former CEO of Enron, in his five-month criminal trial in Houston. Matt's work, as a primary brief writer for the team, included briefing work on Mr. Skilling's victory in the U.S. Supreme Court.
- First chair at an arbitration for a leading consumer electronic company against one of world's largest telecommunications companies, in which Matt's client prevailed on its contract claims (worth tens of millions of dollars) and defeated fraud and mistake counterclaims.
- Successfully represented private equity clients against ERISA withdrawal liability claims, including a complete defense award in an AAA arbitration involving a claim for over \$50 million in damages and interest.
- Major energy companies challenging voter initiatives seeking to constrain its natural-resources rights.
- A music video director in a wrongful-death plane crash case.
- A media executive in fraud and breach-of-contract claims against his former business partners.
- A large non-profit in a dispute with one of its founders and board members.
- A sports investment bank and a professional sports team in a variety of contract disputes and tort claims.
- A major motion picture studio in a fraud and breach of contract case brought in Texas. Matt has experience from this and other cases successfully enforcing arbitration agreements.

Professional Activities

Member

- Chairman, Warren Christopher Scholarship Committee
- Past Chairman and current member of the Board, KCRW Foundation, Inc.
- Board Member, Cancer for College
- Pacific Council on International Policy
- Staff Member and Counsel, National War Powers Commission

Trustee

- Center for Early Education

Author

- “Brace yourself: a flood of water lawsuits is coming,” *Water Power Magazine*, August 2020
- Essay in the *California Law Review*, “The Best Lesson: A Tribute to Eleanor Swift,” April 2017
- “The Line Item Veto Case and the Separation of Powers,” *88 Calif. L. Rev.* 181 (2000)
- “Mainstream Loudoun v. Bd. of Trustees of the Loudoun County Library,” *14 Berk. Tech. L.J.* 347 (1999)
- “Remarks from the Investiture of Judge William A. Fletcher,” *87 Calif. L. Rev.* 511, 516 (1999)

Interviewee

- “INSIGHT: California Water Rights—A Conversation About Litigation, Solutions” *Bloomberg Law* (May 19, 2020)

Clerkships

- Honorable Edward R. Becker, Chief Judge, US Court of Appeals, Third Circuit

Externships

- Honorable J. Anthony Kline, Presiding Justice, California Court of Appeals

Internships

- Felony I Investigator, District of Columbia Public Defender Service

Lecturer

- “The Business of Water,” Stanford Law School

Honors & Awards

- Named Environment/Natural Resources Litigation Attorney of the Year (2019-2021) and Local Litigation Star (2020) for General Commercial by *Benchmark Litigation*
- Verdict recognized by *The American Lawyer* in story naming O'Melveny California Litigation Department of the Year and national runner-up in its 2019 Litigation Departments of the Year contest
- Recommended by *The Legal 500 US* (2014-2021)
- Named among “IP Stars” by *Managing Intellectual Property* (2016-2020)

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- Named to *Variety's* Legal Impact Report (2019, 2020)
 - Recognized by *Chambers USA* for Litigation: General Commercial in California (2018-2021)
 - Named a "Rising Star" or "Super Lawyer" (2005-2019) by "Southern California Super Lawyers," as published in *Los Angeles* magazine
 - Appellate win in *Superman* litigation recognized among the "Top Appellate Reversals" of 2013 by the *Daily Journal*