



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. Both plaintiffs and defendants rely on Matt's counsel for trials, arbitrations, and appeals in cases focusing on intellectual property, contract, and international disputes. His client roster spans industries as diverse as entertainment, technology, private equity, energy, and water.

Matt heads the firm's Water Industry Practice, which helps clients navigate the many transactional, regulatory, and litigation issues implicated by this ever-more-important resource. He serves as a lecturer, co-teaching a "Business of Water" class at Stanford University.

With 18-plus years as a litigator, Matt has extensive experience in cases involving intense public scrutiny, and his work for clients like Warner Bros. and former Enron CEO Jeffrey Skilling has been featured regularly in the national press. He has been recognized by *Benchmark Litigation*, *The Legal 500*, and *Managing Intellectual Property* for his litigation work and been named a *Super Lawyers* "Rising Star" or "Super Lawyer" for the past 13 consecutive years.

Matt is also 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 23-year-old scholarship program that serves public high school students from Los Angeles. He is also an original member

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*

of the Contemporary Friends group at the Los Angeles County Museum of Art.

Matt has worked extensively on *pro bono* matters during his tenure at O'Melveny. His *pro bono* work has been recognized by the Legal Aid Foundation of Los Angeles and National Lawyers Guild.

Experience

Matt's work on intellectual property disputes includes:

- Representing Warner Bros. and DC Comics in long-running copyright and trademark litigation concerning Superman. As reported in the national press, he 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).
- Representing Warner Bros. in a variety of other matters, including copyright and idea-theft disputes related to properties like *Gravity* and *Trouble With the Curve*; profit participation matters, including matters concerning the movie *Goodfellas*; and a variety of matters concerning the *Lord of the Rings*, *Hobbit*, and *Harry Potter* franchises. Matt also represents the company in television-related cases and in important First Amendment cases, including a lawsuit brought by former Los Angeles Clippers owner Donald Sterling—whose lawsuit the court struck under California's anti-SLAPP statute.
- Matt's entertainment litigation work also includes defending one of the major television networks in a copyright class action challenging the use of music cues in thousands of television programs, and representing videogame developers in various disputes, including helping secure a nine-figure settlement for plaintiffs in a case involving contract, patent, trade-secret, copyright, and trademark.
- Matt has successfully 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 in its being awarded its fees and costs.

Matt's work on international disputes includes:

- Defending Unocal for several years 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, in which Unocal defeated plaintiffs' alter-ego claims.
- Representing 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.
- Handling 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.

Matt's work on water issues includes:

- Advising companies on a variety of water rights issues, including new sources of rights, water transfers, limits on groundwater rights, and proof of concept of new water businesses.
- Advising 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).
- Counseling companies regarding water treatment and disposal issues.
- Advising clients on how to avoid claims related to water business ventures.

Matt's trial, appellate, and arbitration work also includes:

- A five-month jury trial in Houston defending Jeff Skilling, the former CEO of Enron, in his criminal trial. Matt's work, as a primary brief writer for the team, included Mr. Skilling's victory in the U.S. Supreme Court.
- First chairing 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 and defeated fraud and mistake counterclaims.
- First-chairing a state court lawsuit and arbitration in Los Angeles, in which Matt's cosmetics company client sued a competitor for tortious interference in impeding a major M&A deal.
- A bench trial in San Francisco defending Barnes & Noble against a Robinson-Patman Act antitrust case challenging the company's core business model.
- A month-long jury trial as plaintiff's counsel in a multi-million dollar products liability case brought by our manufacturer client against a parts supplier.
- Additional successful representations:
 - Private equity clients, including in a \$30 million ERISA arbitration involving withdrawal liability claims.
 - 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

- Chairman of the Board, KCRW Foundation, Inc.
- Board Member, Cancer for College
- Pacific Council on International Policy
- Staff Member, National War Powers Commission

Trustee

- Center for Early Education

Author

- Essay in the *University of California-Berkeley School of Law / Boalt Hall 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)

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) and Local Litigation Star (2020) for General Commercial by *Benchmark Litigation*
- Named among "IP Stars" by *Managing Intellectual Property* (2019)
- Named to *Variety's* Legal Impact Report (2019)
- Named "Up and Coming" by *Chambers USA* for Litigation: General Commercial in California
- Named a "Rising Star" or "Super Lawyer" (2005-2019) by "Southern California Super Lawyers," as published in *Los Angeles* magazine
- Leading IP Attorney, *IP Stars* (2016-2017)
- Recommended by *Legal 500* (2014-2019)