

Kevin M. Mattessich

Overview

Kevin M. Mattessich concentrates his practice in commercial litigation and he defends companies and their directors and officers in a variety of contexts ranging from the defense of companies in management disputes, engineers sued in mine development suits, stock brokerages and investment advisers and other contexts. In addition, he maintains an active insurance coverage analysis and litigation practice in which he has represented clients all over the globe. Mr. Mattessich is internationally recognized for his experience with investigating and litigating fidelity and fraud related claims, including matters involving Ponzi schemes, securities act violations, cyber risks, commodities and foreign exchange losses, insider trading, D&O liability, qui tam actions and other corporate exposures. He has also been retained to analyze and arbitrate major claims submitted under R&W and other transactional risk policies.

Previously, Mr. Mattessich served as a Trial Attorney in the Criminal Division of the Department of Justice where he prosecuted white-collar fraud cases. He has testified before the Judiciary Committee of the U.S. Senate on health care fraud issues, and he has spoken at numerous seminars on litigation and insurance related issues.

Mr. Mattessich is actively involved in the community affairs of his hometown of Ridgewood, New Jersey.

Admissions

- New York
- New Jersey
- U.S. Court of Appeals
 - Second Circuit
 - Third Circuit
 - Fifth Circuit
 - Ninth Circuit
- U.S. District Court
 - Eastern District of New York
 - Southern District of New York



Kaufman Dolowich's General Counsel

Contact Information

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Related Practices

- Commercial Litigation
- General Liability Defense
- Mass Tort and Environmental
- Fidelity and Crime
- Reinsurance Audits & Disputes
- Directors and Officers (D&O)
- Professional Liability/Errors and Omissions - Defense
- Securities / Broker-Dealers
- Bad Faith Litigation
- Insurance Coverage & Litigation
- Transactional Insurance
- First-Party Property/Business Interruption
- Data Privacy
- Insurance Regulatory & Transactional
- Directors & Officers Liability
- Employment Practices Liability
- Employee Benefits & ERISA
- Sharing Economy Legal Services
- Data Privacy & Cybersecurity
- Cybersecurity

Education

- Catholic University of America Law School – J.D.
- Boston College – B.A.
 - cum laude

Professional Memberships

- American Bar Association
- ABA Tort Trial and Insurance Practice Section (TIPS)
- Professional Liability Underwriting Society (PLUS)

Experience

Reported Decisions

- *Pepper Hamilton v. Executive Risk* (Court of Appeals, New York) – Insurance contract rescission standards.
- *Times Picayune v. Zurich* (Fifth Circuit Court of Appeals) - Argued appeal of interpretation of excess coverage terms.
- *Moneygram v. Consortia* (Third Circuit Court of Appeals) - Argued appeal over applicability of mandatory arbitration clause to fraud action and jurisdictional issues in wire transfer matter.
- *Cove v. Air Tiger* (Suffolk County, New York) - Successfully defended a corporation in an executive employment dispute.
- *Kurtz v. Liberty* (Ninth Circuit Court of Appeals) - Rescission of fidelity policy.
- *Musclepharm v. Libert* (District of Colorado)- Coverage under D&O policy for SEC investigation costs.

Awards

Recognition

- New York Metro Super Lawyers (2013)

Publications

- *Liberty Needn't Cover Client's \$3M Expenses In SEC Probe*, Law360, ft. Kevin Mattessich
- *K2 Underscores The Power Of Precedent*, Law360
- *Insurers Do Not Waive Contractual Rights After All: New York's Highest Court Vacates K2 Decision*
- *Libor scandal consequences may not be as bad as first feared*, Business Insurance

News

- *KD Alert: New York's Appellate Division Says No Coverage Under Financial Institution Bond For Madoff Losses*
- *KD Alert: California Federal Court Upholds Insurance Policy's New York Forum-Selection Clause*
- *KD Alert: North Carolina Federal Court Protects Bank Directors & Officers' Business Decisions*
- *KD Alert: No Insurance for Sandusky Sex Abuse*
- *KD Alert: Federal Court in California Sides With Insurers in IndyMac D&O Dispute*
- *KD Alert: NY Court Of Appeals Declines To Expand Liabilities For Accountants, Lawyers, Bankers & Other Professionals*

Speaking Engagements

- *6th Annual Reps & Warranties and Transactional Liability Insurance Exec Summit, event co-chair KD's Kevin Mattessich. "Reps & Warranties Claims Trends: Where Are the Claims Coming From – Hot Button Issues," Moderator Kevin Mattessich, Esq., KD General Counsel: Reps & Warranties Claims Trends: Where Are the Claims Coming From – Hot Button Issues*
- *KD Lunch and Learn: Legal Impact for Employers and Businesses in Today's World: Legal Impact for Employers and Businesses in Today's World*
- *Kevin M. Mattessich to Co-Chair the 3rd Annual Reps & Warranties & Transactional Liability Insurance ExecuSummit: Co-Chairman and Moderator*
- *Kevin Mattessich, Conference Chair and Moderator at 2017 2nd Annual Reps & Warranties & Transactional Liability Insurance ExecuSummit: Reps & Warranties Claims Trends: Where Are the Claims Coming From – Hot Button Issues*
- *PLAN Webinar - December 2014: Representation and Warranties Insurance for M&A Transactions*
- *Advisen's 2010 Year End Securities Litigation Webinar: 2010 Year End Securities Litigation Webinar*