



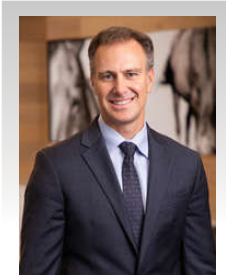
**Matt Baumgartner** is a trial and appellate lawyer who has tried a variety of matters in federal court, state court, administrative tribunals, and arbitrations across the United States. Matt recognizes that when clients become involved in litigation, the stakes are often very high, and approaches all of his clients' cases with an uncompromising commitment to achieve the best possible outcome. Matt prides himself on working with clients to craft and execute the right strategy for each case.

Matt has significant experience in the following practice areas:

- Complex business litigation, including partnership and corporate disputes, breach of fiduciary duty litigation, franchise disputes, securities litigation and arbitration, venture capital-related litigation, and disputes related to mergers & acquisitions
- Real estate and land use litigation
- Health care litigation, in which he represents national and Texas-based health insurers in a variety of regulatory and contested matters
- Insurance litigation, in which he has represented and advised large insurers in matters before the Texas Department of Insurance, Division of Workers' Compensation, and in state and federal courts
- Administrative and regulatory litigation in federal and state agencies and at the State Office of Administrative Hearings (SOAH)
- ERISA litigation, in which he has represented and advised ERISA plan administrators
- Banking law, in which he has represented national and state banks in complex commercial lending disputes
- Environmental litigation, including the Clean Water Act, National Environmental Protection Act, and the Endangered Species Act
- First Amendment and commercial defamation litigation
- Employment litigation

**Armbrust & Brown, PLLC**  
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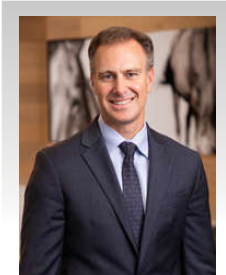
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### Representative Experience

Recent matters include:

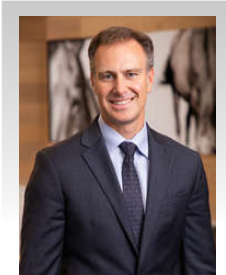
- Representation of a family-owned land developer in a dispute with the seller over development of a Municipal Utility District. *Masonwood HP, Ltd. v. JPH Capital, Ltd., et al.*, Cause No. D-1-GN-21-001519, In the 201st District Court for Travis County, Texas (pending).
- Representation of General Partner in partnership dispute over fiduciary duties. *Whitewater Investment Partners, LLC, et al. v. William T. Koriath, et al.*, Cause No. C2021-0823C, In the 274th District Court for Comal County, Texas (pending).
- In the Supreme Court of Texas, the United States Court of Appeals for the Fifth Circuit, and other federal and state courts around the United States, Matt has served as trial and appellate counsel in large-scale billing disputes for air ambulance services covered by Texas workers' compensation insurance, ERISA plans, and state and federally regulated health insurers. These cases include the following matters:
  - Lead appellate counsel in *Texas Mutual Insurance Company, et al. v. PHI Air Medical, LLC*, 610 S.W.3d 839 (Tex. 2020), in the Supreme Court of Texas. Matt obtained a favorable ruling for Texas Mutual Insurance Company, Texas's largest workers' compensation insurer, that state workers' compensation medical fee regulations were not federally preempted by the 1978 Airline Deregulation Act.
  - Lead appellate counsel in *Air Evac EMS, Inc. v. Kent Sullivan, et al.*, U.S. Court of Appeals for the Fifth Circuit, No. 18-50722. Lead trial counsel in the U.S. District Court for the Western District of Texas, Civil Action No. 1:16-cv-00060-SS.
  - Counsel for California insurer in state litigation concerning preemption of California's workers' compensation laws as applied to air ambulance claims.



- Lead trial counsel for the Defendants in *Eagle Air Med Corp, et al. v. Sentinel Air Medical Alliance, et al.*, In the United States District Court for the District of Utah, Case No. 2:16-cv-00176, concerning claims of commercial defamation in the healthcare billing context. Matt obtained complete summary judgment dismissal of all claims filed against his clients.
- Lead trial and appellate counsel in Texas health plans' challenge to validity of the Texas Department of Insurance's out-of-network payment regulations. *Texas Association of Health Plans v. Texas Department of Insurance*, Case No. D-1-GN-18-003846, In the 419th District Court for Travis County, Texas. Matt obtained summary judgment, and an order declaring the insurance regulations to be invalid.
- Representation of a land developer in a complex partnership and land development dispute (private and confidential arbitration).
- Representation of an attorney in a complex compensation dispute with her former law firm (private and confidential arbitration).
- Lead trial counsel for Texas workers' compensation insurers in a hospital billing dispute in *Vista Medical Center Hospital v. Texas Mutual Insurance Company, et al.* in Consolidated SOAH Docket No. 454-12-1961.M4. At the State Office of Administrative Hearings, Matt served as lead counsel for the insurers, and obtained a rejection of the hospital's claims for increased payment based on complexity of hospital admissions. This case is now pending on appeal, in which Matt also serves as lead counsel.
- Appellate counsel in *Texas Mutual Insurance Company v. Integrated Claims Systems, LLC*, Case No. 2013-1431, In the United States Court of Appeals for the Federal Circuit.
- Appellate counsel in *Texas Indigenous Council and Antonio Diaz v. G.D. Simpkins et al.*, No. 12-50244 in the U.S. Court of Appeals for the Fifth Circuit. Matt briefed and argued to the Fifth Circuit that his clients' First Amendment claims had been improperly dismissed. The Fifth Circuit agreed, and reversed the dismissal.



- Lead trial counsel for founding member of an Austin start-up entity who had been ousted in connection with a new round of funding. Matt was able to obtain a temporary injunction for his client that then led to a mutually agreeable settlement. *Brown v. Dejaset, Inc., et al.*, Cause No. D-1-GN-13-000731, In the 126th District Court for Travis County, Texas.
- Lead appellate and trial counsel representing local residents' environmental challenge to improperly permitted oil barge mooring facility. *Friends of Lydia Ann Channel v. U.S. Army Corps of Engineers, et al.*, Case No. 17-40259, In the U.S. Court of Appeals for the Fifth Circuit.
- Lead counsel for appellants in *Texas Mutual Insurance Company & Gloria Williams v. Jeff Palmer*, No. 05-12-00893-CV in the Dallas Court of Appeals, resulting in reversal and favorable judgment rendered for appellants.
- Trial court representation of a FINRA-registered investment advisory company. Matt 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 asset sales.
- Represented a large commercial bank in litigation arising from defaults on real estate investment loans. Following summary judgment, Matt was able to achieve a favorable settlement requiring repayment of substantial amounts to the bank.
- Matt played a substantial role in appellate and mandamus briefing to the Texas Supreme Court in the following matters: *Texas Mutual Ins. Co. v. Ruttiger*, Case No. 08-0751; *Texas Mutual Ins. Co. v. Morris*, Case No. 09-0495; *In re Texas Mutual Ins. Co. and Evie Villarreal*, Case No. 09-0508, which resulted in the elimination of "bad-faith" claims handling causes of action against Texas workers' compensation insurers.
- Matt's pro bono practice includes federal habeas petitions, First Amendment claims, and Americans with Disabilities Act (ADA) litigation in federal court, as well as representation of clients referred from Volunteer Legal Services.



Before moving to Austin in 2007, Matt was a litigation associate at the Washington, D.C. firm Wilmer Cutler Pickering Hale and Dorr, LLP in 2005 and 2006-2007, 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/Community Involvement**

Law Clerk, U.S. District Judge William Wayne Justice, Austin, TX, August 2005 - August 2006

Texas State Bar Association

Austin Bar Association

Austin Young Lawyers' Association

District of Columbia Bar

Maryland State Bar Association

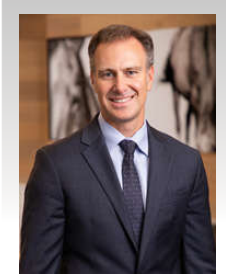
American Bar Association

#### **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)



### Bar

Texas – 2008

District of Columbia – 2007

Maryland – 2005

Federal Appellate Courts – United States Supreme Court; U.S. Courts of Appeal for the Fourth Circuit, Fifth Circuit, Tenth Circuit, Eleventh Circuit, and Federal Circuit.

Federal District Courts – Western District of Texas; Southern District of Texas

### Education

The University of Texas at Austin – 2000 – B.A., Government with high honors and special honors, Phi Beta Kappa

University of Michigan Ford School of Public Policy – 2002 – M.P.P.

University of Michigan Law School – 2004 – J.D., *cum laude*  
Michigan Law Review – 2003-2004

### Awards and Honors

Texas Civil Rights Project Kristi Couvillon Pro Bono Award, 2013

*Texas Monthly*, Super Lawyers®, published by Thomson Reuters, 2010-2019