

People



Matt Schroeder

Office Managing Partner

Dallas

T: +1 214 720 4362

matt.schroeder@akerman.com

vCard

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Serving as Office Managing Partner of Akerman’s Dallas office, Matt Schroeder represents major insurance companies in litigation with significant exposure claims that pose extreme risk of loss to the company. He advises insurance companies not only on related policy coverage issues and disputes, but also on overall environmental regulatory compliance and preventive measures to avoid similar disputes and mitigate future risks.

Matt is committed to understanding his clients’ individual needs and is valued by his clients for his responsiveness and ability to create business solutions to coverage issues outside of the litigation and normal dispute resolution processes. Matt and his team have particular experience in coverage issues related to environmental risk policies, including those involving COVID-19/Coronavirus and emerging contaminants such as PFAS, PFOA, PFOS, and GenX. Matt’s experience also encompasses counseling insurance companies on a wide variety of insurance policies and risks, including commercial general liability, workers compensation, construction defect, and reinsurance.

Additionally, Matt focuses his practice on pursuing subrogation recoveries, including under CERCLA, on behalf of his insurance clients, to seek redress from other potentially responsible parties who have caused or contributed to the covered loss. Some of his recent subrogation lawsuits have included claims against the United States for its role in contaminating former munitions sites.

Matt also has significant experience in representing corporations and individuals, as both plaintiffs and defendants, in complex commercial disputes and litigation throughout the country in multiple state and federal courts. His experience includes not only trial, but also arbitrations throughout the United States as well as internationally. He brings the same level of responsiveness and resolution creativity to representing his commercial litigation clients as he does his insurance company clients.

Notable Work

Areas of Experience

- Insurance Litigation
- Litigation
- Environmental Litigation
- Environment and Natural Resources
- PFAS Litigation and Regulatory Counseling

Education

J.D., Texas Tech University School of Law, 1994, *magna cum laude*, *Texas Tech Law Review* Comment Editor (1993-94), Staff Member (1992-93), Marion T. Key Delt Scholar, *Delta Theta Phi* (1992-93)

B.A., Texas Tech University School of Law, Public Relations, 1990, *summa cum laude*

Admissions

Bars

Texas

Courts

- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Ninth Circuit

Related Content

EPA Establishes First-Ever Drinking Water Standards for PFAS (Forever Chemicals)
April 11, 2024

Akerman Hosts Webinar on An Environmental Consultant’s Perspective on PFAS
February 06, 2024

Breach of Contract/Bad Faith Litigation: Represented a global insurance company in a breach of contract and bad faith lawsuit where two claimants sought in excess of \$2.5 million in damages and attorneys' fees. The action arose from an underlying personal injury lawsuit against two companies brought by an employee of the insured for severe injuries he sustained while working on an offshore oil platform. Two of the companies sued the insurer, alleging breach of contract and bad faith claims for failure to defend and indemnify them as additional insureds under the policy against the personal injury claims. After moving for summary judgment, one company dismissed its claim against the insurer without any payment and the other settled for a de minimis amount.

Insurance Coverage Dispute: Represented a global insurance company in a complex environmental insurance coverage dispute involving the disposal of contaminated railroad crossties. Under Louisiana's direct action statute, two railroad companies sought reimbursement under the company's pollution policy after a formerly insured company filed for bankruptcy, leaving the railroads to bear the cost of remediating the company's contaminated property. The railroads sued to recover the more than \$1.5 million in remediation costs they had allegedly incurred and for bad faith. The parties filed cross-motions for summary judgment on the issue of coverage, but the trial court denied both parties' motions. On appeal, the court granted the client's motion for summary judgment and dismissed the railroad companies' claims in their entirety.

Environmental Litigation / CERCLA: Represented one of the largest insurers as subrogee in two separate CERCLA proceedings against the United States. The insurer issued a specialty lines environmental pollution policy to a former military ordnance manufacturer. The insurer sought contribution for response/clean-up costs that it paid on its insured's behalf in connection with the clean-up of two different manufacturing sites. The insurer is one of the first to successfully bring a CERCLA subrogation action under section 9612 of CERCLA in the Ninth Circuit, which had previously decided a question of first impression with a holding that limited insurers' rights to seek subrogation recoveries under CERCLA. Despite this holding adverse to insurers, favorable settlements for the insurer were achieved in both proceedings that significantly mitigated policy losses.

Insurance Litigation: Represented two large sureties against a contractor and an international, government-owned bank in a declaratory judgment action in a California federal court involving significant claims and counterclaims made against the sureties under transportation-related bonds and indemnity agreements. The bonds and indemnity agreements were issued in connection with the contractor's agreement to build articulated trolley buses for the City of San Francisco. This complex case also involved several international entities and separate international financial agreements. The lawsuit settled on terms favorable to the sureties.

Bad Faith Litigation: Defended an insurer in a bad faith lawsuit brought by a lender in Puerto Rico. The suit stemmed from a settlement agreement reached between the insurer and its insured in 2013. The settlement agreement included a payment to the insured in exchange for complete release of the insurer's liability and a buyback of the insured's Pollution Legal Liability and Commercial Umbrella policies. In 2015, the lender filed suit against the insurer alleging that the settlement payment should have been made to the lender under the PLL policy rather than the insured. Matt filed a motion to dismiss the lender's claims on the ground that

the Certificate of Insurance did not make the lender an “additional insured” under the policy. The trial court agreed and granted the motion to dismiss, finding that the lender had failed to state a claim upon which relief could be granted as a matter of Puerto Rico law. The trial court’s decision was affirmed on appeal.

Environmental Compliance: Represented insurer client in connection with a massive environmental clean-up project that resulted in a settlement with the New Jersey Meadowlands Commission and the New Jersey Department of Environmental Protection that resolved the client’s liabilities on a \$140 million surety bond applicable to contamination at certain portions of the Meadowlands, while also providing the client an opportunity to recoup monies it had paid under the bond. The negotiated settlements have resulted in substantial recoveries to mitigate the client’s losses under the surety bond.

Complex Commercial Litigation: Represented a manufacturing company in litigation brought in Texas state court against Matt’s client for an alleged breach of an agreement to lease railroad cars. The plaintiff railcar company sought multi-million dollars in damages as well as its attorneys’ fees. Matt argued that the alleged agreement was not enforceable and nothing more than an agreement to pursue further negotiations for the ultimate lease of the railcars. Before any deposition discovery was taken, Matt was able to settle the case during an early mediation with a business resolution that resulted in his client not having to pay any money to the plaintiff.

Affiliations

- State Bar of Texas, Member
- Dallas Bar Association, Member
- Texas Tech University Alumni Association, Member

Honors and Distinctions

- *Super Lawyers Magazine*, 2007, Listed in Texas for Business Litigation, General Litigation, and Insurance Coverage
- *D Magazine*, 2006, Recognized as one of the “Best Lawyers in Dallas Under 40”

Published Work and Lectures

- Akerman Webinar, Speaker, “PFAS Compliance Considerations for Commercial Products/Secondary Source Industries,” December 5, 2023
- Akerman Webinar, Speaker, “Practical Implications of EPA’s PFAS Strategic Road Map and the Road Ahead for Conducting Business and Business Transactions for the Remainder of 2023,” September 27, 2023
- Akerman Webinar, Speaker, “PFAS: What You Need to Know to Protect Your Business,” June 14, 2023
- *Law360*, Co-Author, “Ruling Shows Hurdles To Defending Consumer PFAS Claims,” May 3, 2023
- *Bloomberg Environment*, Quoted, “N.Y. Sues Chemours, DuPont, 3M Over PFAS Contamination (2)” November 5, 2019
- *Bloomberg Environment*, Quoted, “Limited Legal Impact Predicted From Court’s OK of PFAS Case,” October 2, 2019
- *E&E News*, Quoted, “States Take Up PFAS Fight: Is This the Next Asbestos?” June 3, 2019

- *Texas Lawyer*, Co-Author, "Is PFAS the New Asbestos?" April 3, 2019