

Matthew J. Cave

Partner

E: mcave@kfc.law

P: (310) 409-0475



Biography

Matt Cave is a Founding Partner of Kibler Fowler & Cave LLP. He regularly litigates and tries cases in state and federal courts throughout California. His litigation expertise is in real estate, entertainment and complex business disputes. Matt represents individuals and companies of all sizes, as plaintiffs and defendants. His high-profile representations have been featured in *Law360* and *The Hollywood Reporter*, among other publications. Although Matt's practice is based in California, he has litigated matters in New York, New Jersey, Pennsylvania, Texas, Colorado, and other states.

Matt handles a wide range of disputes in the music industry. He is experienced in intellectual property litigation, including copyright infringement matters. He has also successfully litigated cases involving California's Talent Agencies Act before the Labor Commissioner. Matt also routinely works with artists and managers to resolve contract and TAA disputes before they get to a Labor Commissioner hearing.

Matt has extensive experience with high-stakes real estate disputes. In addition to litigating and trying cases involving real estate, he often represents clients in behind-the-scenes negotiations in deals for properties worth many millions of dollars. Matt has negotiated advantageous pre-litigation settlements for clients in at least a dozen real estate transactions.

Matt also has significant experience representing individuals and companies (including a Big 4 firm) in connection with investigations and enforcement actions by the Securities and Exchange Commission and the Public Company Accounting Oversight Board.

Matt's recent representative experience includes:

- Representation of a large housing provider in a federal lawsuit filed by a plaintiff seeking millions of dollars in damages for claims of disability discrimination. After being retained to try the case just two weeks before jury selection and a one-week trial that resulted in a modest damages award for the plaintiff, Matt successfully moved for post-verdict relief on the grounds that no reasonable jury could have reached such verdict based on the evidence (or lack thereof) presented at trial. The Court granted the motion for judgment as a matter of law and vacated the entire damages award.

- Representation of a digital bank in a class action lawsuit alleging that it failed to comply with portions of the federal Electronic Fund Transfer Act, which regulate a financial institution's response to unauthorized transactions reported by consumers. After prevailing on a motion to dismiss and before the class certification stage, Matt helped resolve the matter with a favorable settlement.
- Successfully represented Banc of California in an appeal before the California Court of Appeal, which handed down a unanimous decision granting a petition for a writ of mandate directing the trial court to vacate its order compelling a dispute to arbitration and to enter a new order denying the petition to compel arbitration. The ruling marked a critical limitation in California to a U.S. Supreme Court decision addressing whether threshold questions of arbitrability should be decided by courts or arbitrators.
- Representation of a Brentwood-based hedge fund in seeking over \$200 million in a fraud case against a global investment manager. After successfully defending against a motion for summary adjudication and extensive trial preparation, the matter was resolved on favorable terms during mediation.
- Representation of a photographer in a copyright dispute involving his photographs of the late gorilla Harambe, who became a famous internet meme after he was shot and killed by officials because a young boy had fallen into the gorilla enclosure at the Cincinnati Zoo. Matt helped his client reach an amicable resolution of the case with a favorable settlement.
- Representation of a New York-based freelance illustrator and designer in a lawsuit against a famous thrash metal band seeking damages and injunctive relief for willful copyright infringement in violation of the Copyright Act and damages under the New York City Freelance and Independent Contractor Free Act. Matt helped his client reach an amicable resolution of the case with a favorable settlement.
- Representation of a Spanish experimental musician and a freelance director and filmmaker against a world renowned pop star in a copyright infringement lawsuit filed in the U.S. District Court for the Central District of California. Matt helped his clients reach an amicable resolution of the case with a favorable settlement.
- In an action involving the Talent Agencies Act, representation of an artist management company against a world renowned singer and songwriter who terminated her management agreement (after making it big) and refused to pay commissions and other monies due to the manager.

After graduating from USC Gould School of Law, Matt served as a federal law clerk in the Central District of California for two years. He spent several years working at Simpson Thacher & Bartlett LLP, Morrison & Foerster LLP, and entertainment boutique King, Holmes, Paterno & Soriano, LLP before developing his own practice and then co-founding the Firm with Mike and John.

Matt is also active in his community. He currently serves on the Board of Directors for the Los Angeles Center for Law & Justice, a non-profit serving survivors of domestic violence in the LA area. Matt participates in several alumni mentorship programs for USC Gould School of Law and is a Member of the Clerkship Committee for USC's Gould School of Law Board of Councilors, which helps law students secure federal clerkships.

Areas Of Practice

- Business Litigation
- Real Estate Litigation
- Entertainment and IP Litigation
- Government and Internal Investigations

Education

- USC Gould School of Law, J.D.

- Executive Editor, *Southern California Law Review*
- University of Michigan, B.A., Philosophy

Clerkships

- Hon. Alicemarie H. Stotler, U.S. District Judge, Central District of California
- Hon. James V. Selna, U.S. District Judge, Central District of California

Bar & Court Admissions

- California
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, District of Colorado