



## Matthew J. Kolodoski

Partner

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Matthew Kolodoski is a litigation attorney who has successfully represented clients through all phases of trial and appellate proceedings in state and federal courts throughout Texas. His practice focuses primarily on the representation of insurance carriers in all aspects of insurance coverage and extra-contractual litigation.

Matthew's experience includes successful litigation of complex insurance coverage actions involving bad faith claims handling disputes, loss of business income, duty to defend, and additional insured coverage. He also regularly advises and defends employee welfare benefit plans, insurers, and third-party administrators on accidental death ERISA claims.

After graduating from SMU Dedman School of Law, Matthew served as a law clerk for the Honorable Irma C. Ramirez on the U.S. District Court for the Northern District of Texas, Dallas Division. Matthew is also active in the local and statewide legal communities, and he currently serves on the Board of Directors of the State Bar of Texas. He is also a frequent speaker at legal seminars, where he speaks on a variety of litigation and constitutional law topics.

### Representative Experience

- Successfully represented multiple insurance carriers in state and federal court cases involving property damage and loss of business income arising out of Hurricane Harvey and other substantial weather events throughout Texas.
- Obtained post-appraisal state and federal court summary judgments on behalf of property insurance carriers, dismissing all contractual and extra-contractual claims after payment of the appraisal award.
- Obtained summary judgment in state court in favor of a property insurer on the grounds that the plaintiff lacked standing to bring claims for breach of contract or violations of the Texas Deceptive Trade Practices-Consumer Protection Act.
- Secured multiple summary judgments on contractual and extra-contractual claims brought against insurance companies in relation to the scope of

### Services & Industries

- Insurance Coverage
- Insurance Litigation
- Data Privacy and Cyber Security
- Weather-Related Catastrophe Litigation

coverage based on the policy terms.

- Obtained favorable rulings in relation to various motions to remand filed by plaintiffs based upon the fraudulent joinder of a resident insurance adjuster.
- Represented and advised insurers regarding complex contractual issues, including policy interpretation, contractual indemnification, duty to defend, and additional insured tenders.
- Negotiated favorable settlements in cases involving breach of contract, violations of the Texas Insurance Code and Texas Deceptive Trade Practices-Consumer Protection Act, breach of the common law duty of good faith and fair dealing, and fraud against insurance companies and adjusters in commercial and residential property cases.
- Obtained summary judgment for an insurance carrier in an accidental death ERISA case involving death resulting from medical treatment.
- Drafted coverage opinions for insurance carriers on issues involving construction defects litigation, personal injury litigation, and accidental death ERISA claims in various jurisdictions across the United States.
- Argued appeal at the Texas Second Court of Appeals involving an ownership dispute arising from alleged fraudulent transfers of property.

## **Education**

- Southern Methodist University Dedman School of Law (J.D., 2013)
- University of Houston (B.S., 2010)

## **Bar Admissions**

- Texas, 2013
- Minnesota, 2014

## **Court Admissions**

- United States District Court, Northern District of Texas
- United States District Court, Southern District of Texas
- United States District Court, Eastern District of Texas
- United States District Court, Western District of Texas
- United States Court of Appeals, Fifth Circuit

## **Professional Recognition**

- *Best Lawyers: Ones to Watch* list  
– Insurance Law, 2022
- Dallas Association of Young Lawyers (DAYL) Leadership Class, 2020
- Franklin Jones Best CLE Article Award, Texas Bar College, State Bar of Texas, 2018
- Texas Bar Foundation, *Fellow*, 2018 - Present
- Texas Bar College, *Member*, 2014 - Present
- DAYL Foundation, *Life Fellow*, 2017 - Present
- Pro Bono College of the State Bar of Texas, *Member*, 2014-2015
- Certified Information Privacy Professional (CIPP/ US), International Association of Privacy Professionals, 2019 - Present

## Professional and Community Activities

- Board of Directors, State Bar of Texas, *Section Representative*, 2018 - Present
- Pattern Jury Charge Oversight Committee, State Bar of Texas, *Advisory Member*, 2018 - Present
- Civil Liberties & Civil Rights Section, State Bar of Texas
  - *Chair-Elect*, 2020 - 2021
  - *Secretary/Treasurer*, 2019 - 2020
  - *Chair*, 2016 - 2017
  - *Secretary/Treasurer*, 2015 - 2016
  - *Council Member*, 2015 - Present
- Insurance Law Section, State Bar of Texas, *Member*, 2018 - Present
- Dallas Association of Young Lawyers, *Member*, 2014 - Present
- Dallas Bar Association, *Member*, 2014 - Present
- William "Mac" Taylor American Inn of Court
  - *Barrister*, 2019 - Present
  - *Associate Member*, 2015 - 2019

## Speeches and Presentations

- *Texas Property Insurance Law Update*, Thompson Coe Webinar (July 21, 2020).
- *The Status of Takings Claims After Knick v. Township of Scott, Pennsylvania*, 14th Annual Bill of Rights Course, TexasBarCLE (May 15, 2020)
- *The Future of Corporate Constitutional Rights*, State Bar of Texas Annual Meeting (June 14, 2019).
- *Corporate Constitutional Rights: A Storied History and An Uncertain Future*, 13th Annual Bill of Rights Course, TexasBarCLE (May 17, 2019).
- *Constitutional Issues of Public Monuments: Are Any Monuments Safe?*, 12th Annual Bill of Rights Course, TexasBarCLE (May 24, 2018).
- *Top Ten Things Every Law Clerk Should Know*, U.S. District Court for the Northern District of Texas, 2017 Fall Seminar for Judicial Law Clerks (October 3, 2017) (with Magistrate Judge Jeffrey L. Cureton and Magistrate Judge Rebecca Rutherford).
- *Waivers of Class Action/Collective Action in Arbitration Agreements*, National Employment Law Association, Dallas/Ft. Worth NELA Affiliate (August 9, 2017).
- *Private Prisons: Constitutional Litigation Against Non-State Defendants*, State Bar of Texas Annual Meeting (June 23, 2017).
- *Private Prisons: Constitutional Litigation Against Non-State Defendants*, 11th Annual Bill of Rights Course, TexasBarCLE (May 26, 2017).
- *Waivers of Class Action/Collective Action in Arbitration Agreements*, Dallas Bar Association, Labor & Employment Section Meeting (May 15, 2017).
- *First Amendment Rights of Public Employees*, 10th Annual Bill of Rights Course, TexasBarCLE (May 27, 2016).
- *Obscenity: Is Anything Obscene Anymore?*, 9th Annual Bill of Rights Course, TexasBarCLE (May 29, 2015).

## Publications

August 10, 2021

**The Fifth Circuit Significantly Expands the Interpretation of “Publication”**

April 14, 2021

**Exclusion to accidental death policy applies to patient's self-treatment – 5th Circuit**

*Westlaw Today*

December 20, 2020

**Concurrent Causation Is Key In Texas Storm Insurance Suits**

*Law360*

May 17, 2019

**Property Insurers: Beware Getting Stuck In Texas State Court**

*Law360*

May 1, 2017

**The Future of Collective Employment Arbitration: Reconciling the FAA with the NLRA, FLSA, and Other Federal Rights, 22 TEX. J. ON C.L. & C.R. 153 (2017)**

November 2, 2015

**U.S. Supreme Court Update, The College Bulletin, Texas Bar College (Fall 2015).**