

## ATTORNEY PROFILE



### **J. Matthew Berner**

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#### **Specialty Areas**

Business Litigation  
Employment Law

#### **Admissions**

Minnesota State Bar  
U.S. District Court – District of  
Minnesota  
U.S. District Court – Southern  
District of Texas  
U.S. District Court – District of  
Illinois  
U.S. Court of Appeals – Eighth  
Circuit  
U.S. Court of Appeals – Tenth  
Circuit  
U.S. Tax Court

#### **Education**

Hamline University School of  
Law (now Mitchell Hamline School  
of Law), J.D.  
University of Minnesota, B.A.

Matt Berner's practice is focused on business, commercial, employment, construction and real estate litigation. For more than 25 years, Matt has represented clients in state and federal trial and appellate courts as well as at arbitration in multiple jurisdictions including Minnesota, North Dakota, South Dakota, Iowa, Wisconsin, Texas, New York and California.

Matt also advises employers on employment matters including employee hiring and termination; confidentiality/non-disclosure, non-compete/non-solicitation and severance agreements; employment policies, practices; and handbooks, and addressing claims of discrimination, harassment and retaliation/reprisal before suit.

#### **Representative Cases:**

- Secured summary judgment for medical device company dismissing claims by former director challenging shareholder action removing him from board and demanding production of company's books and records.
- Successfully defended renewable energy developer in federal court and arbitration against \$3.5M claim by wind turbine manufacturer, and secured \$790K award and judgment for developer.
- Successfully prosecuted adversary action in Bankruptcy Court, Bankruptcy Appellate Panel, and 10th Circuit Court of Appeals finding that monies held in escrow by client for development of commercial property were not property of the debtor's bankruptcy estate.
- Successfully defended company against former employee's \$2.7M claim arising from alleged partnership and commission agreements, and secured judgment against former employee for \$140K.
- Secured \$250,000.00 jury verdict for subcontractor against general contractor, and \$170,000.00 attorneys' fees and costs award against owner, arising from commercial construction project.
- Successfully defended general contractor against owner's claims arising from design/build commercial project, and recovered payment in full for contractor, at arbitration.