

Matthew E. Sloan

Skadden

Partner, Los Angeles

Litigation; Securities Enforcement; Government Enforcement and White Collar Crime



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Education

J.D., Harvard Law School, 1991
(*cum laude*)

B.A., Yale University, 1987
(*magna cum laude*, distinction in major),
Katherine K. Walker Senior Essay Prize

Bar Admissions

California

Experience

Assistant U.S. Attorney for the Central
District of California, Major Frauds
Section (2002-07)

Assistant U.S. Attorney for the District
of Columbia (1998-2002)

Law Clerk, Hon. David V. Kenyon,
United States District Court
for the Central District of California

Matt Sloan's practice focuses on white collar criminal defense, SEC enforcement actions and complex commercial litigation. He has extensive trial experience and has handled a variety of civil and criminal matters.

In his more than 25 years of experience, both in private practice and as a federal prosecutor, Mr. Sloan has successfully defended and prosecuted individuals and corporations in all phases of complex criminal, civil and regulatory matters, including those involving alleged securities fraud, stock option backdating, health care fraud, defense contractor fraud and whistleblower matters involving the False Claims Act (FCA). He also has conducted several internal investigations for large domestic and foreign companies, involving allegations of insider trading, securities fraud and violations of the Foreign Corrupt Practices Act (FCPA).

Mr. Sloan played a lead role in Skadden's successful defense of William J. Ruehle, the former CFO of Broadcom Corporation, against criminal and civil charges stemming from Broadcom's \$2.2 billion restatement for allegedly backdating employee stock options. Mr. Sloan drafted the motion that led to Mr. Ruehle's acquittal on all charges and the ultimate dismissal of the SEC's civil enforcement action against Mr. Ruehle and three other defendants.

Mr. Sloan also was one of the lead partners representing Agility Logistics, a Kuwaiti logistics company that was the prime vendor for all food supplied to the U.S. military in Iraq during the Iraq War (2003-10), in one of the largest government contracting fraud prosecutions in U.S. history. The criminal and FCA cases ended in a global settlement that was very favorable for the company. To settle the criminal case, a multiple-count felony indictment in which the government alleged that Agility defrauded and overcharged the government in connection with its nearly \$9 billion prime vendor contract, the government accepted a plea to a single misdemeanor count for overcharges in the amount of \$551. As part of the global settlement, the government immediately lifted suspensions for all Agility companies so that Agility could promptly begin pursuing new contracting opportunities with the U.S. government.

Mr. Sloan was one of the lead attorneys who successfully represented James Mazzo, the former chairman and chief executive officer of Advanced Medical Optics (AMO), in a criminal insider trading trial arising out of Abbott Laboratories' \$2.8 billion purchase of AMO in January 2009. After a six-week trial in early 2018, the jury announced that it was hopelessly deadlocked and the court declared a mistrial; the jury voted 10-2 in favor of acquittal on 19 of the 20 counts. (The federal government has announced that it plans to retry the case.)

Mr. Sloan also has played a major role in several other significant matters during his career, including:

- the successful defense of a "Big Four" accounting firm in an arbitration in which a former audit client sought over \$500 million in damages for alleged breach of contract and malpractice claims. After a two-week arbitration and subsequent briefing, the court rejected the plaintiff's main damage claim and granted the plaintiff a small fraction of its requested damages for breach of contract;

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- defending the former CEO of Brocade Communications in the first-ever federal criminal trial charging a corporate executive with securities fraud for improperly backdating stock options;
 - representing MGA Entertainment and cross-examining Mattel's lead expert in the "Bratz v. Barbie doll war" litigation over ownership of the Bratz doll franchise;
 - representing Kinetic Concepts, Inc. (KCI), a provider of cutting-edge wound care products, in an FCA case brought by former employees, alleging that KCI submitted false claims to Medicare, and seeking substantial damages. Skadden successfully moved to disqualify the plaintiffs' (Relator) initial counsel for wrongfully using KCI's privileged information and successfully moved to dismiss one of the Relator's amended complaints with prejudice for failure to state a claim; and
 - serving as the co-lead trial counsel in a criminal prosecution charging the owners of a large pharmacy in Beverly Hills, California, with illegally overcharging Medi-Cal for anti-rejection drugs prescribed to patients in UCLA's liver transplant program.

Some of Mr. Sloan's current representations include:

- James Mazzo, the former chairman and CEO of Advanced Medical Optics, in the retrial of insider trading charges brought against him by the U.S. Attorney's Office for the Central District of California;
- a multinational European supplier of medical devices and operator of medical clinics in an FCPA investigation into operations in Thailand and Taiwan;
- a publicly traded manufacturer of industrial clothing in an internal investigation and later an SEC investigation into revenue recognition issues; and
- a state-owned enterprise in Asia that the SEC and DOJ were investigating for possible FCPA violations.

Prior to joining Skadden, Mr. Sloan served as an assistant U.S. attorney in the Major Frauds Section of the U.S. Attorney's Office in Los Angeles from 2002 through 2007, and as an assistant U.S. attorney for the District of Columbia from 1998 through 2002.

During his tenure in the U.S. Department of Justice, Mr. Sloan conducted numerous grand jury investigations and was the lead or co-lead counsel in more than 30 trials, including the successful prosecution of defendants for health care fraud, bank fraud, wire fraud, money laundering, and various narcotics and firearms offenses. Mr. Sloan also has briefed and successfully argued numerous appellate cases before the Ninth Circuit, the D.C. Circuit and the Court of Appeals for the District of Columbia. In recognition of his accomplishments as a federal prosecutor, Mr. Sloan won awards from the Federal Bureau of Investigation, the U.S. Postal Inspection Service, the Defense Criminal Investigative Service, the California Department of Justice and the U.S. Department of Justice. He also has spoken on and moderated panels sponsored by the Los Angeles County Bar Association, the American Bar Association's White Collar Crime Committee in Los Angeles, and the American Bar Association's National Institute on White Collar Crime. Mr. Sloan repeatedly has been selected for inclusion in *The Best Lawyers in America* for Criminal Defense: White-Collar and was named one of the top 25 Most Influential Lawyers in White Collar & Cyber Crimes Law by the *Los Angeles Business Journal* in 2015.

Associations

Board Member, Los Angeles County Bar Association Council for Justice (Los Angeles County Bar Foundation)

Publications

"Obtaining Defense Witness Immunity: Lessons From the Broadcom Trial," *Litigation*, Vol. 37, No. 3 (American Bar Association), Spring 2011