



Matthew Saxon

Partner

Washington, DC
+1 202-282-5627

Matt represents clients in a range of disputes focusing on multidistrict litigations, products liability, complex commercial litigation, financial services litigation, and white-collar criminal investigations. Matt has been recognized by *Best Lawyers: Ones to Watch® in America*, *Benchmark Litigation's* "40 & Under Hot List," and *The Legal 500 US*.

Matt has successfully represented companies in bet-the-company litigations, MDLs, and investigations. He has managed large, complex MDLs and has litigated high-profile cases through trial on a range of issues. He has won dismissals for clients (including several pharmaceutical clients) in courts around the country including in Maryland, California, Florida, Texas, Georgia, Louisiana, and West Virginia. Matt has also represented companies and individuals in numerous criminal investigations and litigations including cases involving FCPA, securities fraud, mortgage fraud, money laundering, and wire fraud. Matt also recently first-chaired a federal jury trial involving a pro bono client's Eighth Amendment claims. Matt is the editor of Winston & Strawn's [Product Liability & Mass Torts Digest](#), and has published extensively on topics including products liability, MDLs, and complex commercial litigation.

Key Matters

Recent Representative Matters

MDL / Products Liability / Mass Tort

- Currently defending a Fortune 500 global healthcare company in an MDL and related state court actions against design defect and failure to warn claims related to a specialized medical product.
- Defended a pharmaceutical company in a multidistrict litigation which at its height involved over 4,000 failure-to-warn claims stemming from the company's sale of a blockbuster antipsychotic drug Abilify® in the Northern District of Florida.
- Currently defending pharmaceutical manufacturer in all state and federal product liability litigation relating to opioids including national MDL and related state proceedings.
- Won motion to dismiss for pharmaceutical company in Northern District of Georgia against failure-to-warn and design defect claims relating to weight gain.
- Obtained dismissal for a pharmaceutical company in the Middle District of Louisiana against failure-to-warn and design defect related to a prescription medication indicated for bipolar disorder and treatment-resistant depression.
- Won summary judgment for a pharmaceutical company faced with failure to warn and design defect claims in the Northern District of California, which was affirmed by the Ninth Circuit on appeal.
- Won dismissal for a pharmaceutical company in the Southern District of Georgia against failure to warn and design defect claims where claims were dismissed before the company produced any documents or put any witnesses up for deposition.
- Won summary judgment for a pharmaceutical company against failure to warn claims in the Eastern District of Louisiana where summary judgment was granted (before any company witnesses were deposed) and affirmed by the Fifth Circuit.
- Won a motion to dismiss for a pharmaceutical company against failure-to-warn claims in the Southern District of West Virginia where court granted defendant's motion to dismiss before discovery.
- Won a motion to dismiss for a pharmaceutical company against failure-to-warn claims in the Western District of Texas where court granted defendant's motion to dismiss before discovery, and Fifth Circuit affirmed.
- Represented a track control equipment manufacturer against products liability claims brought by more than 100 individuals allegedly injured in the June 2009 Washington Metrorail accident.

White Collar / Criminal / Investigations

- Negotiated a deferred prosecution agreement for a major logistics shipping company in a FCPA investigation involving allegations of a worldwide bribery and money laundering scheme.
- Defended an individual against money laundering and wire fraud charges based on an alleged "bootlegging" scheme. The indictment was dismissed, and all charges dropped against our client.
- Represented an individual before a Grand Jury in an investigation by a Special Counsel related to possible election interference.
- Represented a bank executive in a criminal trial where the allegations included conspiracy, wire fraud, and mortgage fraud.
- Defended a broker-dealer against Rule 10(b)-5 and Reg SHO claims before a Securities Exchange Commission Administrative Law Judge where the fraud claims were reversed on an appeal to the full Commission.
- Represented a former executive of a major foreign aerospace company in a cross-border FCPA matter where the government declined to indict our client.
- Represented former executive of Hungarian telecom company in FCPA investigation

- Defended a technology company against wire and accounting fraud claims where the both the SEC and DOJ declined to bring charges against the company or any of its employees.
- Represented an individual in an investigation by the Office of the Comptroller of the Currency where the government closed the investigation after receiving our “white paper.”

Complex Commercial Litigation

- Won summary judgment for global food manufacturer against US\$20M breach of contract claims in federal district court in Maryland.
- Successfully represented high-profile executive/public figure in multimillion-dollar arbitration involving fraud, breach of fiduciary duty, and breach of contract claims and counterclaims.
- Represented two separate investment banks in copyright actions.
- Represented the owner of a Limited Liability Company against breach of fiduciary duty and fraud claims where all claims against our client were dismissed and our client was awarded US\$1M in attorneys’ fees.
- Represented a major power company in a commercial dispute centering on a failed merger and the related breakup fee.
- Represented a pharmaceutical company against unfair competition claims related to drug pricing.
- Assisted a large team in the representation of a major pharmaceutical company in a multifaceted patent infringement action with potentially billions of dollars of damages at stake.
- Represented a shipping logistics company against claims of civil RICO, civil conspiracy, conversion, and negligent misrepresentation.

Recognitions

- Recognized as a “Key Lawyer” in *The Legal 500 US* in the area of Product Liability, Mass Tort And Class Action - Defense: Pharmaceuticals And Medical Devices (2022–2023)
 - Recognized as a “Key Lawyer” in *The Legal 500 US* in the area of Product Liability, Mass Tort and Class Action - Defense: Consumer Products (2023)
 - Recognized on the *Benchmark Litigation* “40 & Under List” (2020–2023)
 - Recognized by *Best Lawyers: Ones to Watch® in America*, Mass Tort Litigation/Class Actions-Defendants, (2021–2023)
 - Recognized by *Best Lawyers: Ones to Watch® in America*, Commercial Litigation (2023)
 - Recognized by *Best Lawyers: Ones to Watch® in America*, Product Liability Litigation - Defendants (2023)
 - Recognized by *The Legal 500 US* (2020)
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Activities

Matt is the editor of the Winston & Strawn's Product Liability & Mass Torts Digest Blog.

Matt is an active member of Winston's e-Discovery team, and has published on Federal Rule of Evidence 502, legal issues surrounding discovery in the cloud, and has attended the Sedona eDiscovery conference. He routinely advises clients on eDiscovery issues including preservation, collection, negotiation of search terms, Technology Assisted Review, and production. Matt has won numerous eDiscovery motions including motions on custodians, search terms, motions to compel/for protective orders, and motions for forensic exams.

Matt maintains an active pro bono practice. He is recently first chaired a federal jury trial in Maryland on behalf of a federal inmate claiming cruel and unusual punishment under Section 1983. Matt is currently representing a transgender asylum seeker before the DOJ Office for Immigration Review. Matt has also argued before the Seventh Circuit on behalf of an inmate in a habeas proceeding. He has represented a mother seeking state protection of her daughter from the child's father in Maryland state court, a veteran seeking a discharge upgrade after the repeal of "don't ask, don't tell," immigrants seeking asylum, and an inmate in a parole revocation hearing.

Additionally, Matt serves on the Board of Directors of Special Olympics DC.

Credentials

EDUCATION

Matt received a J.D., *magna cum laude*, in 2009 from the University of California, Hastings College of Law, where he was an article editor of the *Hastings International and Comparative Law Review* and elected to the Order of the Coif. He received a B.A., *magna cum laude*, in Political Science in 2005 from Colgate University.

Prior to joining the firm, Matt clerked for the Hon. Joseph M. Quirk at the Sixth Judicial Circuit for Montgomery County, Maryland.

ADMISSIONS

- District of Columbia
- Maryland

CLERKSHIPS

- USCA - Sixth Circuit of MD for the Honorable Joseph M. Quirk

Related Insights & News

- "Challenges and Opportunities in Developing a Scientific Defense to Causation," Winston & Strawn Product & Mass Torts Summit, Speaker, June 7, 2022

Matt has published extensively on topics including MDLs, mass torts, products liability, complex commercial litigation, and eDiscovery,

- "[Connecticut High Court Holds That 'Unfair Trade Practices' Claims That Subsume Elements of a Product Liability Claim Are Barred](#)," Winston Products Blog, Co-author, July, 2022

- ["The Ninth Circuit Certifies Question about the Scope of the Learned Intermediary Doctrine to the California Supreme Court,"](#) Winston Products Blog, Co-author, May, 2022
- ["3M Asks the Supreme Court To Review Eighth Circuit Decision Allowing Expert Testimony in Surgical Warming Blanket MDL,"](#) Winston Products Blog, Co-author, Feb., 2022
- ["Prevailing on General Causation: Using Risk Ratios and the Bradford-Hill Criteria to Undermine a Plaintiff's Expert Testimony in Product Liability Actions,"](#) Law360, Co-author, Dec., 2021
- ["Tenth Circuit Finds Discovery Rule Applies to New Mexico's Statute of Limitations for Products Liability,"](#) Winston Products Blog, Co-author, Nov., 2021
- ["Recent District Court Decisions Provide Insight on How Courts Will Evaluate a Proximate Cause Defense on Summary Judgment,"](#) Winston Products Blog, Co-author, Aug., 2021
- ["Third Circuit Sends 'Important and Unresolved' Medical-Device Liability Questions to Pennsylvania Supreme Court,"](#) Winston Products Blog, July, 2021
- ["MDL Court Limits Plaintiff's Use of Company Documents in Expert Testimony,"](#) Winston Products Blog, Co-author, July, 2021
- ["Fifth Circuit Affirms Two Summary-Judgment Orders Dismissing Plaintiffs' Failure-to-Warn Cases,"](#) Winston Products Blog, Co-author, June, 2021
- ["Ninth Circuit Shatters Summary Judgment Order in Sunroof Defect Suit,"](#) Winston Products Blog, Co-author, April, 2021
- ["Johnson & Johnson Seeks Supreme Court Certification in Talc Litigation Case,"](#) Winston Products Blog, Co-author, March, 2021
- ["Preventing Plaintiffs From Circumventing Personal Jurisdiction Requirements Post-BMS,"](#) Winston Products Blog, Co-author, Feb., 2021
- ["Dietary Supplement Makers Achieve Preemption Win in 9th Circuit,"](#) Winston Products Blog, Co-author, Jan., 2021
- ["Tire Purchaser's Standing Argument Fails to Gain Traction with the Third Circuit,"](#) Winston Products Blog, Co-author, Dec., 2020
- ["Plaintiffs Argue Primary Jurisdiction Doctrine Does Not Apply in CBD Class Actions,"](#) Winston Products Blog, Co-author, Oct., 2020
- ["The Heeding Presumption's Evolving Role In Pharma Suits,"](#) Law360, Co-author, Oct., 2020
- ["Choice-of-Law Issues in MDLs: Applying Federal Law in MDL and Transferor Courts,"](#) Winston Products Blog, Co-author, Sep., 2020
- ["Tenth Circuit Reverses Preemption Dismissal in Biologic Injectable Drug MDL,"](#) Winston Products Blog, Co-author, Aug., 2020
- ["The Primary Jurisdiction Doctrine and CBD Class Actions,"](#) Winston Products Blog, Co-author, July, 2020
- ["Defending Against Innovator Liability Lawsuits,"](#) Law360, Co-author, July, 2020
- ["First Lawsuit Filed for Tesla Autopilot-Related Death Involving a Pedestrian,"](#) Winston Products Blog, Co-author, June, 2020
- ["Missouri Appellate Court Hears Oral Argument in Johnson & Johnson \\$4.7B Appeal,"](#) Winston Products Blog, Co-author, June, 2020
- ["Clinical Trials and Specific Jurisdiction After Bristol-Myers,"](#) Law360, Co-author, Oct., 2019
- ["E-Discovery In The Cloud: Who Can Get Your Data?"](#) Law360, Co-author, May, 2013

BLOG

In re Acetaminophen MDL Decision Reaffirms Need for Causation Experts to Account for Known Confounders Under Rule 702

JANUARY 5, 2024

RECOGNITIONS

Winston & Strawn Recognized in 2024 *Benchmark Litigation*

OCTOBER 6, 2023

RECOGNITIONS

Winston Partners Named to *Benchmark Litigation's* 2023 40 & Under List

JULY 31, 2023

SEMINAR/CLE

Winston & Strawn's Product & Mass Torts Summit 2023

JUNE 14, 2023

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2023

JUNE 7, 2023

RECOGNITIONS

Winston & Strawn Attorneys Recognized in *Best Lawyers: Ones to Watch in America* 2023

AUGUST 18, 2022

RECOGNITIONS

Winston Partners Named to 2022 *Benchmark Litigation* "40 & Under" List

JULY 29, 2022

BLOG

Connecticut High Court Holds That "Unfair Trade Practices" Claims That Subsume Elements of a Product Liability Claim Are Barred

JULY 25, 2022

BLOG

Product & Mass Torts Summit 2022: Key Takeaways

JULY 18, 2022

RECOGNITIONS

Winston Attorneys Named to 2021 Capital Pro Bono Honor Roll

JUNE 9, 2022

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2022

JUNE 8, 2022

WEBINAR

Product & Mass Torts Summit 2022

JUNE 7, 2022

Capabilities

Commercial Litigation & Disputes

Product Liability & Mass Torts

Securities, M&A & Corporate Governance Litigation

Government Investigations, Enforcement & Compliance