Matthew A. Jacober

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PRACTICE AREAS

Litigation

Shareholder Disputes

Trust & Estate Litigation

Class Action Defense

Investigations & White-Collar Defense

General Business & Complex Commercial Litigation

Financial Services Litigation

Appellate Practice

Neutral Alternative Dispute Resolution Services

Civil Rights Insurance Recovery

Accountant Liability & Risk Management

Health Law

Closely Held & Family Business

COURT MEMBERSHIPS

- Missouri

Matthew is a leading litigator and partner in Lathrop GPM's Litigation & Dispute Resolution Practice Group, who works hand-in-hand with clients to help them realize their dreams and protect their assets. The son of a restaurant franchisee who grew up working in the family business, Matthew brings his first-hand knowledge of the risks and rewards of business to his representation of public and privately held corporations, individuals and organizations in a broad range of industries.

Matthew represents clients in class action defenses, fiduciary litigation, shareholder disputes for closely held corporations, government investigations (including federal, state and municipal criminal and civil investigations), *qui tam* defense, general business disputes and representation of property owners in condemnation proceedings. Matthew is also a Missouri state court-approved mediator.

Earlier in his career, Matthew served as a Special Assistant Attorney General for the State of Illinois, where he was assigned to the Illinois Department of Transportation and prosecuted condemnation matters on behalf of the State of Illinois. He also worked for the Illinois Criminal Justice Panel.

Matthew uses his powers for good by working pro bono to help wrongfully convicted men and women. He led the Lathrop GPM team that achieved the release of Laquanda Faye Jacobs after 26 years in prison for a murder she did not commit and, thanks in part to Lathrop GPM's partnership with the Midwest Innocence Project, continues to work on behalf of other wrongfully convicted individuals.

- Illinois
- U.S. District Court for the Southern District of Illinois

EDUCATION

University of Illinois Chicago School of Law (Formerly The John Marshall Law School), J.D., 1998

- CALI Excellence for the Future Award
- Phi Alpha Delta
- Criminal Justice Society

Southern Illinois University, B.S., Political Science, 1994

CLERKSHIP(s)

Law Clerk for Judge Frederick J. Hess of the Illinois Court of Claims

When Matthew steps away from work, he most enjoys time with his family, bird hunting with friends, and smoking ribs in his Big Green Egg.

Matthew's litigation experience - many of which are appellate cases - includes:

Class Action

- *State of Indiana Court of Appeals.*Won a complete defense verdict at trial in which plaintiffs, through a class action, alleged our client aided and abetted franchise fraud and committed civil deception. We again defended our client in the State of Indiana Court of Appeals where the Court affirmed the defense verdict serving as a double win for our client. *Nidia Martinez, et al., on Behalf of Herself and Others Similarly Situated v. Stratus Franchising, LLC, et al.*49A02-1509-PL-1317
- *Marion County Superior Court, Division 2, State of Indiana.* Following a 4-day trial in Marion County Superior Court, obtained a complete defense verdict. In this matter, our clients were alleged to have aided and abetted franchise fraud and committed civil deception. *Nidia Martinez, et al., on Behalf of Herself and Others Similarly Situated v. Stratus Franchising, LLC, et al*,49D02-1206-PL-23299
- *St. Louis County.* Successfully represented a private building and office cleaning services company in a class action matter. The Court dismissed the plaintiff's petition for declaratory judgment and did not grant the ability to re-file.

Complex Commercial Litigation

- *Missouri Court of Appeals for the Eastern District* (618 S.W.3d 701). Represented Chemline, a chemical industry client at trial and on appeal in a dispute concerning the trial court's judgment finding client's former employee in contempt of an injunction order**,** also obtained by Lathrop GPM. The court affirmed the judgment finding the former employee in contempt of the injunction order and affirmed the related grant of attorneys' fees to our client.
- Completed a three-day Arbitration trial, conducted completely via Zoom, during the COVID-19 Pandemic. The matter involved a dispute following the sale of a closely held business, with a defense verdict being entered for Lathrop GPM's client.

- *Service Team of Professionals, Inc. v. Guarantee Restoration Services, LLC* (M.D. La. 2018). Successfully prosecuted federal trademark infringement and breach of contract claims on behalf of national franchisor against former franchisee. Franchisor alleged former franchisee continued to use franchisor's federally registered trademarks after terminating franchise agreement and ceasing royalty payments to promote disaster restoration recovery business. Litigation resolved through confidential settlement.
- *Missouri Court of Appeals for the Eastern District.* Successfully reversed and remanded a summary judgment awarded by the Circuit Court in St. Louis County. The primary issue upon which the Court of Appeals determined the trial court erred related to whether the original creditor had relied on a guaranty of our client, when the evidence demonstrated a question existed as to whether the guaranty was actually delivered or in the possession of the original creditor.
- *St. Louis County, Missouri.* Proceeded to trial against St. Louis County in a condemnation matter involving numerous acres of property underlying the Spirit of St. Louis Airport. Jury verdict returned in excess of $2 million.

Financial Litigation

- *U.S. District Court for the Southern District of Illinois, 7th U.S. Circuit Court of Appeals*. Representation of financial services corporation in a dispute concerning priority of payment rights under Article 9 of the Uniform Commercial Code and involving conversion of coal mining equipment sale proceeds. The case has been reported by the 7th Cir.
- *Miller and Camden Counties, Missouri*. Representation of Missouri lodging resort owners in challenge to state statutorily established political subdivisions, known as Business Districts, and their improper use of lodging tax revenue. Won preliminary injunction, ordering the Business Districts to comply with the statutory mandate requiring the tax revenue must be expended to benefit lodging establishment members, the Business Districts must direct the expenditure of tax revenue, and board members must be publicly elected. 2020.

Investigations / White Collar

- *U.S. District Court for the Eastern District of Missouri*. Representation of accountant tax preparers in civil action for

injunctions under 26 USC 7407, 26 USC 7408, and 26 USC 7402.

- *U.S. District Court for the Southern District of Illinois.* Successfully defended a § 1983 trial to a jury.
- *U.S. Appellate Court for the Seventh Circuit.* Argued a criminal case before Chief Judge Richard Posner, presiding, reported *U.S. v. Belwood,* 222 F.3d 403 (7th Cir. 2000)
- *U.S. Appellate Court for the Seventh Circuit.* Successfully argued civil cases before Judge Ilana D. Rovner, presiding, reported *Larkin v. Galloway,* 266 F.3d 718 (7th Cir. 2000), and *Smith v. Zachary,* 255 F.3d 466 (7th Cir. 2001)

Trust & Estate Litigation

- *Illinois Appellate Court, Fifth Circuit.* Successfully defended client's estate from disinherited son's petition for relief from a 2009 settlement agreement barring him from future claims against his parents' estates. The Fifth Circuit upheld the St. Clair County Circuit Court's order denying petitioner leave to reform the earlier settlement, in which he received a one-time cash payment. *Albert Davinroy, Jr. v. Estate of Elizabeth Davinroy, Deceased*, 2017 IL App (5th) 160385-U

Health Law

- *St. Louis.* Won arbitration on behalf of a hospital corporation in a breach of contract matter involving payment terms under the PACE program, a federally funded Medicare program.

TCPA

- Represented numerous companies in Telephone Consumer Protection Act Class Action matters in state and federal courts across the country.

Events

- State of Litigation Virtual Event Series
  Session 1 - Thursday, July 16; Session 2 - Thursday, July 23; Session 3 - Thursday, July 30

Presentations

- Podcast Guest, "PoolePRoof Wisdom Featuring Matthew Jacober: The Law of Freedom," PoolePRoof Wisdom, July 12, 2023

Publications

- Co-author, *A Primer on the Missouri Business Judgment Rule - A Powerful Protection for Business Decisions*, St. Louis ACC In-House, October 4, 2016

Client Alerts And Blog Posts

- Missouri Governor Signs Bill on COVID-19 Civil Actions
  July 13, 2021
- Relief Is On the Way: The Second COVID-19 Relief Bill and What You Need to Know
  December 28, 2020
- Missouri Bill Aims to Protect Individuals and Businesses Helping in Response to COVID-19
  November 19, 2020
- COVID-19 – Local Funding for Small Businesses
  March 31, 2020
- Litigation Alert: COVID-19, Contracts and Force Majeure
  March 12, 2020

In The News

- Missouri Lawyers Media Features Partner Matthew Jacober in Legal Limelight Profile
  May 10, 2023
- Law360 Features Alana McMullin and Matthew Jacober on New Law Helping Lamar Johnson Win Missouri Exoneration
  February 24, 2023
- Bloomberg Law Publishes Article by Matthew Jacober, Alicia Goedde and Brooke Parsons on Virtual Arbitration Hearings
  September 21, 2020
- Matthew Jacober Speaks to St. Louis Fox Affiliate on LouFest Lawsuit
  February 20, 2019
- Matthew Jacober Interviewed by St. Louis CBS Station on "Exclusion List"
  August 31, 2018
- ACC St. Louis: A Primer on the Missouri Business Judgment Rule - A Powerful Protection for Business Decisions
  October 4, 2016

News Releases

- Lathrop GPM's Matthew Jacober, Alana McMullin, Alex Brown and Bernie Rhodes Honored as Legal Champions at Missouri Lawyers Awards
  February 16, 2024
- 14 Lathrop GPM LLP Practice Groups and 35 Attorneys Ranked in Chambers USA 2023
  June 1, 2023
- Client Exonerated After Spending Nearly 30 Years in Prison
  February 28, 2023
- Chambers USA 2022 Names Lathrop GPM a Top Law Firm, Franchise Group Ranked Nationwide
  June 1, 2022
- Chambers USA 2021 Names Lathrop GPM a Top Law Firm, Franchise Group Ranked Nationwide
  May 20, 2021
- Lathrop GPM Develops COVID-19 Client Response Team
  March 18, 2020
- Lathrop Gage and Midwest Innocence Project Partner to Free Little Rock Woman After 26 Years on Wrongful Conviction
  July 17, 2018
- Lathrop Gage Promotes Nine to Partner Status
  January 4, 2012
- Government's Request for Preliminary Injunction Denied in United States v. Zerjav
  April 1, 2009

Professional Affiliations

- American Bar Association - Litigation Section, Tort and Insurance Practice Section and Criminal Justice Section
- Illinois State Bar Association
- Bar Association of Metropolitan St. Louis
- The Missouri Bar
- American Trial Lawyers Association

Community Involvement

- Midwest Innocence Project, Board Member
- Christian Brothers College High School, Board Member; Executive Committee; Finance Committee; Chairperson of the Board of

Directors, 2020-2022

Honors

- *Chambers USA: America's Leading Lawyers for Business*, Missouri Litigation: General Commercial, 2021-2022
- Selected for the "2016 Top Small Business Lawyers" in the February 2016 issue of *St. Louis Small Business Monthly*
- *Missouri Lawyers Media*, "Legal Champion Award," 2024
- *Missouri Lawyers Media*, "Up and Coming," 2012
- Selected by Editor-in-Chief, Bryan A. Garner, to Panel of Practicing Contributors of *Black's Law Dictionary,* Abridged Eighth Edition, 2005
- Eagle Scout