

## Matthew S. Veech

Shareholder, Litigation Group

[mveech@boyarmiller.com](mailto:mveech@boyarmiller.com)

Matt Veech joined the firm's Litigation Group in July 2005. His practice is devoted to representing a vast array of clients, from individuals to large corporations, in a variety of employment and business-related disputes.

Matt has represented clients in matters relating to enforcement of non-competition and non-solicitation agreements, misappropriation of trade secrets and proprietary information, breach of fiduciary duties and breach of contract, shareholder oppression, and related business torts. He has also represented clients in employment-related claims of discrimination, harassment and retaliation under Title VII, the ADA, the ADEA, the FMLA and the Texas Labor Code, as well as wage and overtime claims under the FLSA and Texas Payday Act.

Matt works directly with clients to navigate the myriad of employment-law related issues faced day-to-day by anyone operating a business — from internal investigations, discipline, counseling and terminations, to development of employee policies and procedures. Prior to joining the firm, he worked for almost six years at a large, national law firm where his focus was primarily employment and mass toxic tort litigation.

Matt began his legal career as a briefing attorney for the Honorable Adele Hedges on the Court of Appeals for the First District of Texas. While in law school, he served as an articles editor for the South Texas Law Review. He uses the skills gained from these experiences to effectively evaluate the issues faced by his clients and to develop practical solutions to their issues.

### EDUCATION

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- JD, South Texas College of Law Houston
- BS, Texas A&M University



### AWARDS & RECOGNITIONS

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- Texas Super Lawyers Rising Star (2010, 2007-2008)

### AFFILIATIONS

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- Houston Bar Association, Labor and Employment Law Section
- Texas Bar Association
- American Bar Association

### RELEVANT REPRESENTATIVE MATTERS

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#### BUSINESS LITIGATION

- Negotiated disposition of trust funds, and dismissal of all claims asserted in Texas state district court, against out-of-state loan servicing company in connection with dispute over commercial borrower's assignment of consumer loans pledged as collateral for commercial loan transaction.

**BUSINESS LITIGATION, CONT'D**

- Obtained an emergency motion for protection in federal court on behalf of a non-party where non-party had been subpoenaed to produce voluminous records and communications between the non-party and the non-party's former and present clients. The emergency relief obtained completely relieved the non-party's clients from complying with the subpoenas.
- Representing a manufacturer of separation products installed in process units against claims made by a multi-national chemical manufacturing corporation seeking damages exceeding \$10 million relating to alleged defects in design of the products and failures of the products installed.
- Represented a refinery service contractor in a multi-million dollar lawsuit involving claims arising out of the refinery's refusal to pay for services and counterclaims by the refinery relating to alleged breaches of safety procedures. Within five months of filing lawsuit and shortly after the filing of a pre-discovery, summary judgment motion asserting immediate right to payment, the matter was successfully resolved.
- Settled breach of contract dispute between manufacturer of car products and a purchaser.
- Won a unanimous jury verdict of \$1.3 million on behalf of two former partners of an accounting firm based on the accounting firm's failure to pay amounts owed to the partners following their separation from the firm, including amounts owed to them for the repurchase of their shares of stock in the accounting firm. The jury also unanimously rejected a counterclaim filed by the accounting firm in which the firm sought more than \$750,000 in damages based on alleged breaches of non-compete provisions, confidentiality provisions, and buy-sell provisions of the partners' employment agreements which would have required the former partners to pay the firm for any clients that left with the former partners.
- Represented refinery services company that sells proprietary products and services to petroleum and chemical refineries globally in a lawsuit against a group of contractors that misappropriated our client's proprietary products and services. After successfully securing discovery from refineries in foreign countries confirming the facts supporting our client's claims, the matter settled with our client receiving every dollar of lost sales and effectively ending the former contractors' attempts to establish a competing company.
- Represented a world leader in premium insulation coatings against a former distributor based on claims for breach of a written distributor agreement, as well as claims for breach of oral agreements or, alternatively, quasi-contractual claims such as promissory estoppel and unjust enrichment. Following written discovery and depositions of the named parties, certain third-parties, and experts, both parties moved for summary judgment - we moved on all of plaintiff's claims and plaintiff moved solely on liability for its contractual claims. With the summary judgment motions pending, the matter settled on confidential terms.
- Successfully obtained Temporary Injunction and Permanent Injunction on behalf of client against former employee. The client was a refinery maintenance contractor who brought suit alleging the former employee breached non-compete and non-solicitation covenants, and the former employee asserted counterclaims for damages arising out of termination of employment. After securing a Temporary Injunction that prohibited the former employee from competing and soliciting clients, the matter ultimately settled with entry of Permanent Injunction and no payment to employee for alleged damages.
- Defended clients operating a start-up oil field services company in a lawsuit brought by an established competitor alleging claims against our clients for misappropriation of trade secrets, breach fiduciary duty, and conspiracy and seeking to completely shut down our clients' business. After a six day temporary injunction trial, the lawsuit settled on terms that allowed our clients to continue their business in competition with former employer.
- Represented supplier of oilfield steel for use in the oil and gas industry in a lawsuit brought by a competitor alleging a former employee provided our client (his new employer) with confidential customer lists, vendor contact information and sales data owned by his former employer. Successfully obtained transfer of lawsuit from United States District Court for the Northern District of Illinois to the Southern District of Texas based on argument that Texas was a more convenient forum as the location of material events, the residence of defendants and most potential non-party witnesses, as well as the relative interests of justice.



#### **BUSINESS LITIGATION, CONT'D**

- Won an arbitration award on behalf of two senior level employees of a manufacturing facility against their former employer due to the former employer's failure to make profit sharing and bonus payments under two separate agreements. Counterclaims were asserted against our client. After a five-day arbitration, the arbitration panel ruled in favor of our clients and awarded our clients all of the damages sought and attorneys' fees.
- Won a unanimous arbitration award on behalf of a former senior executive officer and director of a privately held bank with over \$1.0 billion in assets. Our client was sued by the bank in state district court for breach of fiduciary duty, misappropriation of trade secrets, and conversion following his resignation from the bank. In the state court proceeding, we successfully dissolved an ex parte restraining order and compelled the lawsuit to arbitration. In the arbitration, the bank sought over \$20,000,000 in damages and we asserted counterclaims against the bank for tortious interference with contract and failure to pay wages. After a five day arbitration and significant post-hearing briefing, the three member arbitration panel ruled in favor of our client on all claims and awarded all damages sought pursuant to our counterclaims.
- Pursued claims on behalf of an Oklahoma-based company that sells and rents frac water transfer equipment. Two former employees solicited the company's customers and used their resources to start a competing business while still employed by the company.
- Successfully defended a Texas-based drilling rig manufacturer in a lawsuit by a drilling rig purchaser. The purchaser claimed the manufacturer breached a rig construction contract and tortiously interfered with its contract with a drilling operator. The purchaser sought approximately \$25 million for the cost of repairing the rig and lost profits. The case settled for a fraction of that amount on the eve of picking a jury.
- Represented a minority shareholder in a shareholder oppression and breach of fiduciary duty lawsuit alleging that minority shareholder was forced out of his position with the company and was denied his rights as a shareholder. The matter raised unique issues under Texas law concerning duties and obligations between owners of a closely held corporation. The matter ultimately settled for a confidential amount.
- Won an arbitration award on behalf of a custom home builder after home builder's services were terminated and home builder was not paid sums owed under the contract and change orders. The home owner asserted claims relating to alleged defective construction. After a week-long arbitration hearing, the Arbitration Panel awarded our client all damages sought, attorney's fees, and arbitration costs, and denied all claims asserted by the home owner.
- Obtained summary judgment on behalf of a local retailer in a lawsuit filed by retailer's former agent seeking recovery of commissions that agent claimed were not paid pursuant to the terms of written agreement. The matter concerned an interpretation of the agent's duties and responsibilities under the commission agreement and Texas. The trial court ultimately granted summary judgment on all claims.
- Represented a refinery service contractor in a breach of contract matter arising out of allegations that equipment manufacturer failed to deliver equipment in a timely manner and delivered equipment that did not conform to the requirements of the agreement. This matter centered on the interpretation of Article 2 of the Uniform Commercial Code dealing with delivery of goods, nonconforming goods, and lost profits as damages. The matter ultimately settled on confidential terms.
- Obtained an emergency motion for protection on behalf of an expert witness when the opposing party subpoenaed all records and documents by and between the expert witness and the expert witness' former and present clients. The expert witness was to provide testimony related to the exercise and fitness industry.

#### **EMPLOYMENT LITIGATION**

- Representing a national manufacturer-marketer of engineered pipe fittings in a wrongful termination dispute initiated by a former employee. The former employee has alleged wrongful termination on the basis of a perceived disability as well as the wrongful denial of medical leave under the FMLA.
- Defending oilfield inspection company in an FLSA overtime lawsuit relating to the classification of its inspectors as exempt employees.
- Represented volunteer fire department in lawsuit brought by group of employees alleging failure to properly calculate and pay overtime.

**EMPLOYMENT LITIGATION, CONT'D**

- Represented oilfield equipment rental company in FLSA lawsuit alleging the company's practice of paying its operator employees a salary plus a day rate and bonus failed to properly compensate non-exempt employees for overtime hours worked.
- Represented waste removal and disposal company in FLSA lawsuit brought by group of employees alleging the company improperly used a day rate of pay resulting in the failure to properly compensate the company's laborers for overtime hours worked.
- Representing employers in various industries relating to the development of policies and procedures for determining contractor/employee classification and exempt/non-exempt employee classification.
- Represented tow-truck company in an investigation brought by the United States Department of Labor relating to the company's classification of its tow-truck drivers as independent contractors rather than non-exempt employees and its failure to compensate the contractors for overtime pay.
- Represented a manufacturer and supplier of separation and phase contacting process internals in an age discrimination dispute brought by a former employee. Successfully avoided a lawsuit through pre-suit negotiations after the Equal Employment Opportunity Commission issued a notice of right to sue.
- Represented medical services professional in wrongful termination matter involving unique issues of disability, perceived disability, and failure to accommodate under the ADA and ADAAA.
- Represented a professional services firm in a gender discrimination, harassment, and retaliation dispute brought by a former employee alleging sexual harassment and hostile work environment. Successfully avoided a lawsuit through pre-suit mediation with the Equal Employment Opportunity Commission. The dispute involved unique issues relating to outside-the-office conduct and text-messaging.
- Representing an employer to enforce a non-competition agreement against a former employee.
- Won a unanimous jury verdict of \$1.3 million on behalf of two former partners of an accounting firm based on the accounting firm's failure to pay amounts owed to the partners following their separation from the firm, including amounts owed to them for the repurchase of their shares of stock in the accounting firm. The jury also unanimously rejected a counterclaim filed by the accounting firm in which the firm sought more than \$750,000 in damages based on alleged breaches of non-compete provisions, confidentiality provisions, and buy-sell provisions of the partners' employment agreements which would have required the former partners to pay the firm for any clients that left with the former partners.
- Successfully defended a national manufacturer-distributor in an EEOC proceeding brought by former employee claiming sexual harassment and gender discrimination relating to a manager's sex based comments. The matter settled on very favorable terms for the employer after an extensive EEOC investigation that included multiple on-site interviews of employees and review of company records.
- Represented a dentist and her practice against claims by another dentistry practice for tortious interference. The plaintiff alleged the defendant tortiously interfered with a noncompetition agreement it had with another local dentist by conspiring to solicit patients in violation of the agreement. Successfully obtained an early dismissal in exchange for a nominal settlement payment.
- Represented refinery services company that sells proprietary products and services to petroleum and chemical refineries globally in a lawsuit against a group of contractors that misappropriated our client's proprietary products and services. After successfully securing discovery from refineries in foreign countries confirming the facts supporting our client's claims, the matter settled with our client receiving every dollar of lost sales and effectively ending the former contractors' attempts to establish a competing company.

**EMPLOYMENT LITIGATION, CONT'D**

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- Won an arbitration award on behalf of two senior level employees of a manufacturing facility against their former employer due to the former employer's failure to make profit sharing and bonus payments under two separate agreements. Counterclaims were asserted against our client. After a five-day arbitration, the arbitration panel ruled in favor of our clients and awarded our clients all of the damages sought and attorneys' fees.
- Won a unanimous arbitration award on behalf of a former senior executive officer and director of a privately held bank with over \$1.0 billion in assets. Our client was sued by the bank in state district court for breach of fiduciary duty, misappropriation of trade secrets, and conversion following his resignation from the bank. In the state court proceeding, we successfully dissolved an ex parte restraining order and compelled the lawsuit to arbitration. In the arbitration, the bank sought over \$20,000,000 in damages and we asserted counterclaims against the bank for tortious interference with contract and failure to pay wages. After a five day arbitration and significant post-hearing briefing, the three member arbitration panel ruled in favor of our client on all claims and awarded all damages sought pursuant to our counterclaims.
- Resisted invasive discovery sought from client, now general counsel of a leading waste and recycling company, by his prior employer. The prior employer threatened to sue the client for violation of a non-compete agreement, among other things. Through avid advocacy, both before the court and to opposing counsel, BoyarMiller was able to resolve the discovery dispute—and extricate the client from the proceeding—by producing a reasonable and manageable nucleus of discovery.
- Successfully defended a manufacturer in a lawsuit brought by former employee claiming sexual harassment, hostile work environment and negligent hiring based on allegations that former employee's supervisor made sexually explicit comments to her. The former employee's claim of negligent hiring was premised on the allegation that the employer hired the supervisor who had a criminal record. The lawsuit raised novel issues relating to the exclusivity provision of the Texas Workers Compensation Act.
- Pursued claims on behalf of an Oklahoma-based company that sells and rents frac water transfer equipment. Two former employees solicited the company's customers and used their resources to start a competing business while still employed by the company.
- Represented a national property management company in an EEOC proceeding brought by former employee claiming that the termination of her employment was race and gender discrimination. This proceeding arose out of events that occurred outside of the workplace during the company's holiday party.
- Represented a manufacturer of large industrial equipment in an EEOC proceeding brought by an employee claiming the termination of his employment was national origin discrimination. The matter involved the employer's decision to convert the employee's pay structure from hourly to salary resulting in the potential for employees to make less money when overtime was factored into the hourly rate.
- Represented a residential real estate company in a proceeding brought by a former employee claiming disability discrimination after the employee was terminated for being absent from work for a number of days in excess of the company's stated policy. The matter tested the interplay between the employer's absence control policy and the reasonable accommodation requirements of the ADA and leave requirements under the FMLA.

**EMPLOYMENT LITIGATION, CONT'D**

- Represented an offshore drilling service company in a proceeding brought by former employee claiming race discrimination based on the employer's alleged failure to provide the employee with the same employment opportunities it provided to other employees outside the protected class. This lawsuit raised unique issues regarding the employer's obligation to provide offshore work opportunities where it was also providing onshore work.
- Successfully defended a restaurant group in a lawsuit brought by a former employee claiming sexual harassment based on allegations that manager made sexual advances towards the employee and sent sexually explicit photographs to the employee. The lawsuit centered almost entirely on alleged conduct that occurred outside the workplace during non-working hours and presented unique issues relating to the employer's affirmative defense under the Faragher/ Ellerth line of cases.