



Matthew S. Tamasco

PARTNER

Livingston

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RELATED SERVICES

- Environmental & Toxic Tort
- Commercial Litigation
- Asbestos & Talc
- Entertainment & Recreation
- Product Liability

OFFICES

- Livingston

OVERVIEW

Matthew S. Tamasco is a Partner in the New Jersey and New York offices of GRSM. A litigator and business attorney, he has a diverse legal practice representing manufacturing, financial services, technology, sports and fitness and insurance companies in a broad array of areas including product liability, commercial litigation, employment law, intellectual property and general corporate matters. He also has prior experience in the field of computer network management.

Matthew serves as national coordinating and trial counsel representing companies in asbestos, product defect and personal injury cases throughout the country. A significant portion of his practice is devoted to serving as outside national counsel consulting and representing commercial equipment manufacturers and technology consulting companies with respect to a wide range of legal needs.

He represents a number of closely held corporations in the negotiation and drafting of various contracts

and as litigation counsel in commercial, shareholder and intellectual property disputes.

Matthew regularly presents on emerging sports law trends relating to athletic equipment, general liability, technology and athlete “name image & likeness” rights. He works with a team of skilled Entertainment & Recreation lawyers handling all aspects of contracting, intellectual property and right of publicity issues for a wide range of sports industry clients.

REPRESENTATIVE EXPERIENCE

Commercial Litigation

- Represented a medical insurance carrier against breach of contract claims brought by a group of medical providers and quickly obtained an injunction protecting the personal and medical information of the insureds under HIPPA. Saved the client money by obtaining summary judgment early and therefore avoiding costly discovery.
- Represented an international electronics manufacturer in breach of contract and fraud litigation against a regional reseller who converted and disposed of equipment inventory without payment. Obtained a favorable default judgment that included treble damages.
- Represented a technology consulting firm in a shareholder action that involved Lanham Act claims and obtained a voluntary dismissal following removal of the action to federal district court.
- Represented a closely held technology services corporation in the protection of intellectual property assets and successfully defended against claims brought by ex-business partners and employees alleging prior ownership of intellectual property in addition to claims seeking a grant of equity in the company. Obtained pre-answer dismissal of tortious interference and frivolous lawsuit cross-claims.
- Represented a closely held company against claims of fraud and breach of a share purchase agreement by a seller of shares in a predecessor company. Obtained a voluntary dismissal during mediation.
- Represented an investment firm with respect to confusing trade and service marks by a firm suspected of engaging in illegal activity and obtained an offer of a confession of judgment immediately following service of process.
- Represented a fitness center with respect to the enforcement of a non-competition covenant antecedent to the purchase of a business.
- Represented international and domestic computer consulting firms in employment claims arising out of various business acquisitions and mergers. Filed for early summary judgment on initial case in effort to obtain voluntary dismissals in related litigation.
- Represented an online retailer in a breach of contract suit related to a failure to provide deliverables in marketing cooperative agreement. Negotiated a settlement that provided for continuation of services to the benefit of the client.

Product Liability and Mass Tort

- National coordinating and trial counsel in asbestos litigation for several manufacturers with trial experience in New Jersey, New York, Pennsylvania and California.
- Represents manufacturers and suppliers of various products including boilers, pumps, compressors, valves, friction products, printing presses, electrical products, heat exchangers, mufflers, joint compound, automotive batteries, gaskets and sealing materials in asbestos litigation.
- Represented a food process equipment manufacturer in asbestos litigation and obtained voluntary dismissals in all remaining claims pending against the manufacturer in certain jurisdictions based on testimony elicited from the first group of plaintiffs.
- Represented manufacturers of printing presses, food equipment and heavy construction equipment in defective design and failure to warn litigation.
- Successful enforcement of bankruptcy stay and litigation of successor liability issues on behalf of an industrial equipment manufacturer that purchased legacy manufacturing assets and obtained dismissals in all pending actions.

Premises Liability and Personal Injury Litigation

- Represented a service station in MTBE spill litigation and obtained a favorable jury verdict with respect to the state's request for over a decade worth of statutory penalties.
- Represented a municipality and transportation contractor in a sexual assault case and avoided a costly trial by obtaining summary judgment based solely on the pre-trial testimony of plaintiff.
- Represented a food retailer against a claim of personal injuries sustained by an infant and obtained summary judgment based solely on the pre-trial testimony of plaintiff's witnesses.
- Represented a major municipality in the defense of claims for property damage related to the failure of a bulkhead due to hydraulic pressure at a major construction site.
- Represented airplane manufacturers in personal injury actions related to the failure of component parts.

Corporate Representation

- Consultation on matters relating to name, image and likeness of college athletes
- Represented a growing insurance brokerage firm in multiple business acquisitions and corporate governance matters; negotiated and drafted various shareholder, operating, employment and non-competition agreements.
- Represent businesses and property management firms in commercial lease litigation with respect to termination of sub-tenants, habitability issues, unilateral termination and fitness for possession claims.
- Provided pro bono advice to a sports-related non-profit organization and drafted sports participation liability releases and media releases.

- Counseled a start-up manufacturing company on the drafting of securities offering statements and confidentiality agreements. Advised client on patent and intellectual property issues arising from issuance of equity ownership shares.
- Represented a renowned interior design firm in the defense of a breach of contract and fraud action arising from the design and improvement of a luxury residential property. Obtained a partial pre-answer dismissal striking all fraud-based claims and factual allegations resulting in favorable settlement on remaining breach of contract claim.
- Represented a medical device company with respect to a third-party subpoena related to a patent infringement action and successfully avoided joinder in the underlying litigation.
- Represented a materials testing company with respect to a criminal investigation brought by the state attorney general's office relating to state approved no-bid contracts where a competitor alleged that the client's service professionals did not possess the proper certification to perform structural steel inspections.

PRESENTATIONS

Presentations

- *The "Wild Wild West" of the Fitness Tracking Industry*; Panelist at the Sports and Fitness Industry Association LR2MS Litigation, Regulatory & Risk Management Summit; Presenter, February 2016, New Orleans, Louisiana
- *Emerging Sports & Fitness Liabilities*; Presenter at the American Hotel & Lodging Association, Safety & Security Subcommittee Meetings; Presenter, December 2016 New York, New York
- *The Rise of the Virtual Trainer & Quantified Athlete*; Presenter at the Sports and Fitness Industry Association Litigation, Regulatory, and Risk Management Summit; Presenter, April 2017, Chicago, Illinois
- *What Every College Athlete Needs to Know About Earning Income From NIL and Endorsements*; Webinar Moderator, July 2021, New York, New York
- *The Ball is in Your Court; How Universities Can Prepare for Student-Athlete NIL Issues*; Webinar Panelist, August 2021, New York, New York
- *Endorsements and NIL: Challenges Now Facing Universities, Athletes, and Businesses*; CLE Program Presenter; February 2022, New York, New York

CREDENTIALS

Admissions

- New Jersey
- New York

- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

Education

- J.D., Seton Hall University School of Law, 2001
- B.S., Seton Hall University, 1994