STITES & HARBISON PLLC



Matthew W. Breetz

Title: Member

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Location: Louisville, KY

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Mr. Breetz has a sophisticated trial practice and regularly appears in courtrooms across Kentucky, Tennessee, and upon occasion, Southern Indiana. He is co-leader of the firm's Torts & Insurance Practice Service Group.

Matt defends numerous professionals, including lawyers, insurance agents and brokers, accountants, debt collectors, engineers, title agents, architects and home inspectors in professional malpractice suits throughout the region. Mr. Breetz has a robust practice representing nurses, nursing homes and a variety of allied health professionals in actions alleging significant personal injury or death. Mr. Breetz has a significant premises liability practice, in the past defending a national chain of restaurants throughout the states of Kentucky and Tennessee. He has comprehensive experience in coordinating the defense of hundreds of complex toxic tort cases throughout the country, working as national counsel for one company in asbestos litigation; in addition, Matt has been included in three asbestos jury trials within the past few years. At any given time, Mr. Breetz will also have cases involving motor carrier litigation.

Mr. Breetz is very well versed in both insurance coverage work as well as bad faith litigation, regularly counseling carriers on such issues and defending such clients as necessary.

CAPABILITIES

Practice Areas

- Litigation & Appeals
- Arbitration, Mediation & Alternative Dispute Resolution
- Business Litigation
- Insurance Coverage, Bad Faith & Regulatory Litigation

- Product Liability Litigation
- Professional Liability Litigation
- Health Care – Litigation & Investigations

RECENT ASSIGNMENTS

- Right after Thanksgiving 2021, tried and won an asbestos case related to coal mining equipment in Eastern Kentucky - without calling an expert witness.
- Involved in a three-week Kentucky state court trial - resulting in a defense verdict in less than an hour - stemming from allegations of asbestos exposure and resulting mesothelioma from cosmetic talcum powder products.
- Recent opinion from Court of Appeals, affirming the trial court, dismissing legal malpractice case on issues related to judicial estoppel.
- Obtained summary judgment, affirmed on appeal, in legal malpractice case on issues surrounding plaintiff's expert's inability to articulate the standard of care.
- In a recent opinion before the Kentucky Court of Appeals, obtained an affirmance of a summary judgment for a lawyer in a case alleging the lawyer owed a duty to a putative class.
- Recently tried a two-week wrongful death case (mesothelioma) to verdict in state court in Tennessee representing the only defendant remaining at trial.
- In federal court, obtained dismissal of majority of plaintiff's speculative claims arising from thoroughbred racing issues.
- Succeeded on a motion to compel arbitration stemming from an alleged injury at a trampoline park.
- Affirmed before the Sixth Circuit an order dismissing a claim against a medical record reviewer on the grounds of ERISA preemption.
- Affirmed before the Kentucky Court of Appeals a dismissal order from a trial court in a case against an insurance agency stemming from the loss of a tractor-trailer.
- Obtained summary judgment in federal court on bad faith claims against an insurer for allegedly delaying payment after a fire loss, which was affirmed on appeal.
- In a Sixth Circuit decision, affirmed summary judgment from the District Court in Kentucky in a case against a prosecutor on the defense of absolute immunity before any discovery was undertaken.
- Intimately involved as lead trial counsel, and also on the briefs, in a case decided by the Kentucky Supreme Court requiring jury instructions on the "case within the case" in a legal malpractice action, and determining that "lost punitives" are not recoverable in such cases.

- Obtained an opinion from the Kentucky Court of Appeals affirming summary judgment for an insurance agent and agency who were alleged to have been negligent in procuring commercial insurance coverage for a new client of the agency. The issues involved UIM coverage for a truck under a commercial policy, and whether the truck should have been insured under the client's personal policy.
- Tried a nursing home case, for almost two weeks, in Eastern Kentucky, settling well under his client’s position at mediation after obtaining directed verdicts on claims of statutory violations and claims for punitive damages.
- Obtained a dismissal of all RICO claims asserted by the plaintiff before the United States District Court of Kentucky, Eastern District, that were asserted against a mortgage lender in a case involving yield spread premiums.
- Briefed, argued and obtained a successful result from the Kentucky Supreme Court which affirmed the dismissal via summary judgment of a legal malpractice claim due to the improper assignment of the claim.
- Obtained a decision from the Kentucky Court of Appeals affirming a summary judgment obtained in a complex legal malpractice case involving alleged transactional negligence. The decision was based primarily on the Plaintiff's inability to satisfy the "but for" causation requirement.
- Argued and won a case before the Kentucky Supreme Court on issues related to arbitration waiver. The Supreme Court granted discretionary review and reversed decisions from the trial court and Court of Appeals on the issues raised.
- In a published decision, had a motion to dismiss granted on behalf of a private prison company in a case where an inmate escaped and allegedly caused harm to others.
- Successfully excluded the plaintiff's sole expert witness in a complex accounting malpractice case less than a week before trial.
- Obtained summary judgment for contractor/engineer in two separate counts on the "government contractor" defense, the first of its kind in Kentucky.
- Mr. Breetz has tried approximately 40 jury trials.

BAR ADMISSIONS

- Kentucky
- Tennessee
- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 7th Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Middle District of Tennessee

- U.S. District Court for the Western District of Kentucky
- U.S. Supreme Court

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- Minimizing Risk in Professional Practice: Liability Trends and Best Practices
  speaker, CeriFi LegalEdge, The Knowledge Group, September 22, 2026
- Year in Review: Significant Developments in Legal Malpractice Cases of 2025
  panelist, Hinshaw and Culbertson Annual Legal Malpractice and Risk Management Conference, Chicago, IL, March 4, 2026
- Slow Death of the Tripartite Relationship
  Spring 2025 National Legal Malpractice Conference, Charlotte, NC, April 2-4, 2025 *,with Jennifer M. Guerra*
- Who Wants To Be A Millionaire
  Moderator, 2024 DRI Professional Liability Seminar, New York City, NY, December 5, 2024
- Ethical Issues for Today's Litigator
  speaker, 2024 Applied Financial Lines Lawyers Forum, Las Vegas, NV, October 3, 2024
- Legal Ethics for In-House Counsel
  Kentucky Bar Association In-House Counsel, February 20, 2024
- Suits (Not the TV Show). What to Do
  Speaker, Kentucky Association of Health Care Facilities (KAHCF) 2023 Annual Meeting, Louisville, Ky., November 14-16, 2023 *,with Jennifer Henry Jackson*
- Nursing Home Lawsuits: How To Avoid Risk and What To Expect During the Litigation Process
  co-presenter, KAHCF Annual Meeting, November 16, 2022 *,with Jennifer Henry Jackson*
- Insurers Need Not Defend Shooting Injury Suit, Judge Rules
  by Hope Patti, *Law360 Insurance Authority*, September 30, 2022 *,with Neil E. Barton*
- Stites & Harbison and Tucker Ellis Obtain Defense Verdict in Wrongful Death Mesothelioma Case Where Plaintiff Sought $20.5 Million
  Stites & Harbison Case Profile, May 18, 2022 *,with Joshua F. Barnette*
- Ethical Considerations for In-House Counsel
  2022 Issues for Corporate House Counsel Seminar, Kentucky Bar Association, April 12, 2022
- Nursing home Negligence Lawsuits: Common Risk Areas and What to Expect During the Litigation Process
  2021 KHACF/KCAL Annual Meeting and Expo, November 9-11, 2021
- Case Law Update 2021
  Moderator, Fall 2021 National Legal Malpractice Conference, Nashville, TN, September 22-24, 2021

- Hot Button Issues - Long Term Care Litigation

  Panelist, Kentucky Association of Health Care Facilities Annual Conference, November 2019

- Kentucky High Court Restores $80M Punitive Damages Against Firm

  Law360, December 13, 2018 *,with Bethany A. Breetz and Michael D. Risley*

- Commanding the Courtroom

  University of Kentucky College of Law, Lexington, Ky., November 2, 2018 *,with Thad M. Barnes*

- Choosing Wisely: Can Picking the Right Client Prevent Malpractice Cases?

  2018 Argo Pro Lawyers Professional Liability Conference, Las Vegas, NV, June 14, 2018

- Ethical Considerations for CPAs

  Mountjoy Chilton Medley LLP, Louisville, Ky., December 11, 2017

- Defending Professionals in Court and Before Licensing Boards

  DRI Professional Liability Seminar, New York, December 8, 2017

- It Wasn't Me: It Was the Judge

  DRI Professional Liability Seminar, New York, December 4, 2015

- Division of Loyalties: The Impact of Conflicts of Interest and Waivers

  Sixth Annual Lawyers' Professional Liability Risk Management Conference, Las Vegas, Nev., May 16, 2012

- Professional Liability and the Restatement of the Law : What is it Restating?

  DRI's Professional Liability Seminar, New York, NY, December 15, 2011

- Judgmental Immunity for Lawyers

  Harmonie Group Professional Liability Seminar, New York, NY, May 13, 2010

- Defending Legal Malpractice Claims

  DRI's Insurance Coverage and Claims Institute, Chicago, Ill., April 6, 2010

- Estate Planning—Being Sued by Persons You Never Met for Things Your Client Did Not Ask You to Do

  Legal Malpractice Risk Management Conference, Chicago, February 27, 2008

- The Uncertainties in Trial Practice - Do They Constitute Malpractice

  Defense Research Institute's *For the Defense*, March 2007

- Prevention and Risk Control

  The Harmonie Group's Transportation Industry Seminar, Denver, Colo., November 1, 2006

- Crossing State Lines - Ethical and Malpractice Issues Arising From Multi-Jurisdictional Practice

  Defense Research Institute's Annual Meeting, San Francisco, Calif., October 12, 2006

- Ethical Considerations for the Defense Lawyer

  Kentucky Defense Counsel, August 31, 2006

- Choice of Jurisdictions

  The Harmonie Group Transportation and Trucking Seminar, Chicago, Ill., February 22, 2006

- Legal Malpractice Issues Involving Estate Planners
  Annual Midwest/Midsouth Estate Planning Institute, University of Kentucky, July 21, 2005
- Legal Malpractice: Negligent Settlement Advice
  Harmonie Group's Spring Conference, May 13, 2005
- State and National Activity in Nursing Home Litigation
  Kentucky Association of Health Care Facilities, April 19, 2005
- The Strict Privity Rule: A Limit on Estate Planner Liability
  For the Defense, published by Defense Research Institute, February 2004
- Grounds for Indemnity on Foreign Sourced Products
  Defense Research Institute Product Liability Conference, Children's Products Session, February 10, 2004
- Nursing Home Malpractice in Kentucky: Successful Case Management from Investigation to Trial
  National Business Institute, October 23, 2003
- Recent Kentucky Ethics Opinions and Judicial Decisions Concerning Ethical Issues
  Louisville Bar Association, June 26, 2003
- Experts and Daubert
  Real Evidence for the Trial Practitioner in Kentucky, Lorman Education Services, February 6, 2003
- Pitfalls with Experts: Turning Your Work Product Into Evidence
  Real Evidence for the Trial Practitioner in Kentucky, Lorman Education Services, February 6, 2003

FIRM LEADERSHIP

- Torts & Insurance Practice Group, Co-Chair
- Professional Liability Practice Group, Team Leader
- Ethics Committee, Former Chair

MEMBERSHIPS

- American Bar Association,
  - Professional Liability Litigation Committee, member
- Kentucky Bar Association
- Louisville Bar Association
- Kentucky Defense Counsel,
  - Former President

- Federal Bar Association,
  - Former President of Kentucky Chapter
- Defense Research Institute,
  - Professional Liability Committee, Past Chairman
- Claims & Litigation Management Alliance,
  - Member
  - Insurance Coverage Litigation, Insurance Bad Faith and Professional Liability Committees
- American Board of Trial Advocates
- Professional Liability Underwriting Society
- Association of Professional Responsibility Lawyers

COMMUNITY INVOLVEMENT

- Southeast American Board of Trial Advocates, Board of Directors
- Citizens for Better Judges, Steering Committee (2022-present)

EDUCATION

- University of Kentucky College of Law J.D., 1993
- University of Kentucky College of Arts & Sciences B.A., with high distinction, Political Science, 1990

MORE THAN STITES & HARBISON

Mr. Breetz lives and dies University of Kentucky football, when his wife and eleven children give him the opportunity. He formerly coached middle school girl's lacrosse and announced high school field hockey and lacrosse games. Mr. Breetz is also an advocate for international adoptions, as his family has been blessed with three children from Ethiopia and two children from China. Mr. Breetz is a member of the Board of Directors for Southeast American Board of Trial Advocates and is a member of the Prichard Committee on Academic Excellence.

ACCOLADES

- *Martindale-Hubbell*® AV-Preeminent® Peer Review Rated
- *Best Lawyers in America*®, Medical Malpractice Law - Defendants; Personal Injury Litigation - Defendants; Product Liability Litigation - Defendants (2015-27)
- *Best Lawyers in America*®, Louisville Product Liability Litigation – Defendants Lawyer of the Year (2026)
- *Benchmark Litigation* magazine, Litigation Star (2020-26)
- *Kentucky Super Lawyers*® (2009-26)
- *Louisville Magazine's* "Top Lawyers" for Professional Malpractice - Defense (2013, 2014, 2016)