



JENNINGS HAUG  
KELEHER MCLEOD



602.234.7858

[mhs@jhkmlaw.com](mailto:mhs@jhkmlaw.com)

2800 North Central Ave.  
Suite 1800  
Phoenix, AZ 85004

#### SERVICES

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- Business Bankruptcy and Creditors' Rights
- Business Law
- Fidelity & Surety Law
- Real Estate Litigation & Condemnation
- Construction Law
- Litigation
- Appellate
- Mediation & Arbitration

# Matthew H. Sloan

Matthew Sloan is an experienced commercial litigator whose practice areas include complex business disputes, creditors' rights, fidelity and surety law, bankruptcy, construction law, real estate disputes and construction defects. He represents individuals, businesses and institutional creditors, as well as sureties and contractors in state, federal and bankruptcy court actions, as well as in arbitrations and administrative hearings.

Matthew regularly handles large complex commercial matters involving construction issues, including the investigation and resolution of performance and payment bond claims, and the prosecution and defense of cases involving differing site conditions, lost productivity, acceleration, termination and construction delay claims.

In addition, Matthew helps lenders and lessors achieve the most favorable recoveries from distressed property and non-performing loans and leases. He has experience with the judicial and non-judicial foreclosure of real property collateral and litigating deficiency claims against borrowers and guarantors, as well as with judicial and non-judicial recovery of personal property collateral. Matthew regularly assists clients with negotiating short sales, forbearance agreements and deeds in lieu.

Matthew currently serves as a Judge Pro Tem in the Maricopa County Superior Court.

## **Representative Engagements:**

- Successful litigation defense in federal court of multi-million-dollar affirmative claim arising out of construction of a water treatment plant in Nevada.
- Obtained favorable settlement following the three year prosecution of complex litigation involving a waste water treatment plant in Arizona.
- Successfully prosecuted multiple actions as Special Counsel to the Liquidating Trustee in the bankruptcy of The Baptist Foundation of Arizona and recovered over \$1.5 million on behalf of investors.
- Successfully obtained prejudgment attachment and ultimate possession of million-dollar parcel of real property on behalf of a national bank.
- Successfully prosecuted breach of contract claim involving crops lien and obtained favorable judgment in federal court on behalf of a national bank.
- Ongoing representation of institutional lenders in foreclosure and deficiency actions.
- Successfully obtained \$500,000.00 jury verdict on behalf of surety company arising out of breach of indemnity agreement and related subdivision bonds.
- Successfully defended and obtained dismissals of multi-million-dollar subdivision bond suits brought against multiple surety companies in state and federal court.
- Successfully defended international direct sales company from multi-million-dollar wrongful termination claim.
- Successfully obtained summary judgment for in excess of \$4.5 million in subrogation action on behalf of international insurance company.

## **Bar Admissions**

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- Arizona
- U.S. District Court District of Arizona
- New Mexico
- U.S. District Court of New Mexico
- Colorado
- U.S. Court of Appeals Ninth Circuit
- U.S. Supreme Court

## **Education**

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- Arizona State University, College of Law, J.D. (1997)
- University of Arizona, B.A. (1993)

## **Published Works**

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- Co-Author, *Surety Aspects of Bankruptcy Law and Practice* for the **American Bar Association** (2021); Chapter IX, Bankruptcy Trustee Bonds.
- Co-Author, *Managing and Litigating the Complex Surety Case, Third Edition* for the **American Bar Association** (2018); co-authors of Chapter 12, Navigating in and Around Bankruptcy are Jennings Haug Cunningham partners Joseph Brophy, Matthew Sloan and Chad Schexnayder.
- Co-Author, 1-145 **New Appleman on Insurance Law Library Edition**, Surety and Bankruptcy (2017)
- *Arizona Appellate Court Rejects Developer's Attempt to Force County to Make Subdivision Bond Claim*, **Fidelity & Surety Law Committee Newsletter** (Fall 2014)
- *The Municipal Bankruptcy: Chapter 9 Issues for Sureties*, **Surety Claims Institute Newsletter** (Sept. 2013)
- *Small Business Financing, To Lease or Not to Lease*, **North Central News** (Nov. 2012)
- *Enforcement of Collateral Security Clauses in the Ninth Circuit*, **Surety and Fidelity Claims Institute Newsletter**, pages 11-14 (May 2012)
- *Common Pitfalls Business Owners Should Avoid*, **North Central News** (Mar. 2012)
- *Getting a Handle on Green*, **AZRE Magazine** (March/April 2010)
- *5 Questions with Matthew Sloan*, **Phoenix Business Journal** (Sept. 2009)
- *Construction & Bankruptcy*, **Arizona Builders' Alliance Legal Notes** (May 2009)
- *No License? No Problem*, **Arizona Builders' Alliance Legal Notes** (Sept. 2006)
- *The Quick Reference Guide to Western States Surety Law*, Author Nevada Chapter (2006 – 2018), Author New Mexico Chapter (2019 – present)
- *Alternative Dispute Resolution*, **Arizona Builders' Alliance Legal Notes** (Feb. 2003)

## **Honors and Awards**

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- Inclusion in The Best Lawyers in America® in the following areas of practice:
  - Bankruptcy and Creditor/Debtor Rights/Insolvency and Reorganization law (2021-2022)
  - Commercial Litigation (2022)
- Named to Southwest Super Lawyers® in the following areas of practice:
  - Business Litigation (2021)
  - Construction/Surety Litigation (2018-2021)

## **Professional Associations and Memberships**

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- State Bar of Arizona
  - Construction Law Section, member
  - Bankruptcy Law Section, member
- American Bar Association
  - Tort & Insurance Practice Section, member
    - Fidelity and Surety Law

- Litigation Section, member
  - Bankruptcy and Insolvency Litigation
- LEAN – Lease Enforcement Attorney Network, member

### **Classes/Seminars**

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- Speaker, *Ethical Round Table: Joint Defense Agreements, Social Media and More*, **Surety Claims Institute Webinar** (June 2020)
- Speaker, *Navigating in and around bankruptcy. Like this wasn't complicated enough already...?*, **American Bar Association, Fidelity and Surety Law Committee Spring Meeting** (May 2018)
- Speaker, *Binding Corporate Indemnitors and Issues Related to Recovery from Them and from Subsidiaries, Affiliates or Third Parties*, **Surety Claims Institute Annual Meeting and Seminar** (June 2015)
- Speaker, *The End of Quia Timet in the Brave New World?* **Western States Surety Conference**, Seattle, Washington, (May 2013)
- Speaker, *Risk Management Issues for LEED Certification and Green Design*, **Arizona Builders' Alliance Legal Roundtable** (Feb. 2009)
- Paper presented, *The Interplay Between Bankruptcy and Construction Law*, **Maricopa County Bar Association** (2008)
- Speaker, *Bankruptcy Hors D' Oeuvres For The Construction Lawyer*, **The Construction Law Section of the State Bar of Arizona** (Jan. 2006)
- Speaker, *Analyzing and Proving Construction Project Damages in Arizona*, **Lorman Education Services** (April 2002)

### **Pro Bono Activities**

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- Maricopa County Bar Association – Volunteer Lawyers Program

### **Community Involvement**

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- MIKID (Mentally Ill Kids In Distress)
  - Board Member (2000 – present)
  - Treasurer (2008 – 2018)
- Youth Sports Coach (RAMMS)
- Brophy Dads' Club (member)