

Matthew L. Tuccillo

Partner

New York | Securities Litigation

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A Partner since 2013, Matthew L. Tuccillo joined Pomerantz in 2011. With 26+ years of experience, he is recognized as a top national securities litigator.

His has been named a *Super Lawyers*® “Top-Rated Securities Litigation Attorney” (2016-present), *Lawdragon* 500 Leading Plaintiff Financial Lawyer (2019-present), *Benchmark* Litigation Star (2021-2023, 2026), *Legal 500* Recommended Securities Litigator (2016, 2021), *American Lawyer* Top Rated Litigator (2023) and Northeast Trailblazer (2021), and a *Martindale-Hubbell AV*® Preeminent™ peer-rated attorney (2014-present). His cases are regularly analyzed by *Bloomberg*, *Law360*, and other reputable news outlets.

Matt serves as the Firm’s lead litigator on high-stakes securities class action litigation in courts nationwide. He closely advises institutional clients, which are regularly appointed as lead plaintiffs overseeing lawsuits with class-wide damages of \$500 million - \$1 billion+. Matt’s representative cases include:

EDUCATION

- Georgetown University Law Center
 - Juris Doctor
 - Dean’s List
 - Foreign Publications Editor, Georgetown International Environmental Law Review
 - Competitor and Coach, Jessup International Law Moot Court Competition
 - Clinical Program: Represented Virginia’s Mattaponi Tribe in litigation over ancestral burial grounds
- Wesleyan University
 - Bachelor of Arts, Government
 - Active post-graduate supporter of pre-law programs
 - President, Wesleyan Lawyers Association (2017–2020)

ADMISSIONS

- Massachusetts
- New York
- Connecticut
- United States District Court for the District of Massachusetts
- United States District Court for the District of Connecticut
- United States District Court for the Southern and Eastern Districts of New York
- United States District Court for the Northern District of Illinois
- United States District Court for the Eastern District of Wisconsin
- United States District Court for the Southern

- In *In re Emergent Biosolutions, Inc. Securities Litigation*, No. 8:21-cv-00955-PWG (D. Md.), arising from a company's COVID-19 vaccine manufacturing failures, two Pomerantz clients, including one of Matt's foreign pension fund clients, were court-appointed co-lead plaintiffs. After investigating and preparing a robust amended complaint, Matt succeeded in overcoming Defendants' motion to dismiss in September 2023, in securing class certification in June 2024, and in leading the case efficiently through discovery. Matt secured a \$40 million class-wide settlement following a mediation and months of ensuing negotiations. The court granted final approval in February 2025 and distributed in August 2025.
- In *Edwards v. McDermott Int'l, Inc.*, No. 4:18-cv-4330-AB (S.D. Tex.), Matt successfully opposed a motion to dismiss a class action lawsuit, led by one of his foreign pension fund clients, alleging a years-long, multi-prong fraud by an engineering and construction company that did a risky merger, delayed massive write-downs, and declared bankruptcy. Matt led the case through discovery. He secured court orders that required defendants to review for production 1.25 million+ documents identified via plaintiff-authored search terms on plaintiff-selected custodians. He oversaw review of 450,000+ defense and third party documents and 40 party and non-party fact depositions. Matt secured an order partially certifying the class in June 2024, which he successfully defended on Rule 23(f) appeal to the Fifth Circuit, which issued its order in December 2025. The litigation is ongoing.
- In *In re Miniso Group Holding Limited Securities Litigation*, No. CV-22-5815 (MR Wx) (S.D.N.Y.), one of Matt's foreign pension fund clients is lead plaintiff overseeing class action claims arising from a China-based retail company's U.S. IPO. A motion to dismiss the third amended complaint has been fully briefed and is awaiting decision.

- In *Chun v. Fluor Corp., et al.*, No. 3:18-cv-01338-S (N.D. Tex.), with two of his U.S. municipal pension fund clients serving as co-lead plaintiffs, Matt served as co-lead counsel in hard-fought litigation concerning underperforming, large-scale, fixed-bid projects through two motions to dismiss. A months-long mediation and negotiation process resulted in a court-approved \$33 million settlement, which was a 37.5% recovery of the upheld claim value.
- In *Kendall v. Odonate Therapeutics, Inc., et al.*, No. 3:20-01828-H-LL (S.D. Cal.), Matt successfully opposed a motion to dismiss a securities lawsuit arising from a pharmaceuticals company's failure to advance its lead drug candidate to FDA approval. Notably, the court held that individual defendants' scienter (intent) was sufficiently pled, even though they bought, rather than sold, company stock during the period of alleged fraud. A successful mediation resulted in a court-approved \$12.75 million settlement.

· In *In re BP p.l.c. Securities Litigation*, No. 4:10-md-2185 (S.D. Tex.), where the court praised the “uniformly excellent” “quality of lawyering,” Matt spearheaded lawsuits over BP’s Gulf of Mexico oil spill by 125+ global institutional investors. Over 9 years, he successfully opposed three motions to dismiss, oversaw e-discovery of 1.75 million documents, led the Plaintiffs Steering Committee, was the sole interface with BP and the Court, and secured some of the Firm’s most ground-breaking rulings. In a ruling of first impression, he successfully argued that investors asserted viable English law “holder claims” for losses due to retention of already-owned shares in reliance on a fraud, a theory barred under U.S. law since *Blue Chip Stamps v. Manor Drug Stores*, 421 U.S. 723 (1975). He successfully argued against *forum non conveniens* (wrong forum) dismissal of 80+ global institutions’ lawsuits - the first ruling after *Morrison v. Nat’l Australia Bank Ltd.*, 130 S. Ct. 2869 (2010), to permit foreign investors to pursue in U.S. court their foreign law claims for losses in a foreign company’s securities traded on a foreign exchange. He successfully argued that the U.S. Securities Litigation Uniform Standards Act of 1998 (SLUSA), which extinguishes U.S. state law claims in deference to the U.S. federal law, should not extend to the foreign law claims of U.S. and foreign investors, a ruling that saved those claims from dismissal where U.S. federal law afforded no remedy after *Morrison*. In 2021, Matt achieved mediator-assisted, confidential, favorable monetary settlement for all 35 Firm clients including public and private pension funds, money management firms, partnerships, and trusts from the U.S., Canada, the U.K., France, the Netherlands, and Australia. – seven of which were Matt’s institutional clients from the U.S., U.K., and Canada.

- In *In re Toronto-Dominion Bank Securities Litigation*, No. 1:17-cv-01735 (D.N.J.), Matt pled a multi-year fraud arising at one of Canada's largest banks, based on extensive statements by former employees detailing underlying retail banking misconduct. Matt persuaded the court to reject a motion to dismiss in an order noteworthy because it validated the scienter (intent) pleading despite no witness speaking directly to the individual defendants' state of mind. The court approved a \$13.25 million class-wide settlement achieved after mediation.
- In *Perez v. Higher One Holdings, Inc., et al.*, No. 14-cv-00755-AWT (D. Conn.), Matt persuaded the court, after an initial dismissal, to uphold a second amended complaint asserting five threads of fraud by an education funding company and its founders and to approve a \$7.5 million class-wide settlement. Notably, the court held that the company's reported financial results violated SEC Regulation S-K, Item 303, for failure to disclose known trends and impacts from underlying misconduct – a rare ruling absent an accounting restatement.
- In *In re KaloBios Pharmaceuticals, Inc. Securities Litigation*, No. 15-cv-05841 (N.D. Cal.), a lawsuit against a bankrupt drug company and its jailed ex-CEO, Matt negotiated two class-wide settlements totaling \$3.25+ million, including cash payments and stock from the company, that were approved by the bankruptcy and district courts.
- In *In re Silvercorp Metals, Inc. Securities Litigation*, No. 1:12-cv-09456 (S.D.N.Y.), Matt worked with mining, accounting, damages, and market efficiency experts to survive a motion to dismiss by a Canadian company with mining operations in China and NYSE-traded stock. In approving the \$14 million settlement achieved after two mediations, Judge Rakoff called the case "unusually complex," given the technical nature of mining metrics, the need to compare mining standards in Canada, China, and the U.S., and the volume of Chinese-language evidence.

Matt was also on the multi-firm team that represented commercial real estate investors against the Empire State Building's long-term lessees/operators regarding a

consolidation, REIT formation, and IPO in *In re Empire State Realty Trust, Inc. Investor Litig.*, No. 650607/2012 (N.Y. Sup. Ct.), which was resolved for a \$55 million cash/securities settlement fund, a \$100 million tax benefit from restructured terms, remedial disclosures, and deal protections.

Matt regularly counsels institutional investors, foreign and domestic, regarding pending or potential complex litigation in the U.S. He is skilled at identifying potential securities frauds early, regularly providing clients with the first opportunity to evaluate and pursue their claims, and he has worked extensively with outside investment management firms retained by clients to identify a winning set of supporting evidence. When litigation is filed, he fully oversees its conduct and resolution, counseling clients throughout every step of the process, while handling all significant motions and courtroom arguments. These skills have enabled him to sign numerous institutional clients for litigation and portfolio monitoring services, including public and private pension plans, investment management firms and sponsored investment vehicles, from both the U.S. and abroad. These clients have spearheaded the Firm's litigation efforts in the *BP*, *Fluor*, *McDermott*, *Emergent*, and *Miniso* litigations discussed above.

Matt takes great pride in representing union clients. He got his own union card as a teenager (United Food & Commercial Workers International Union, Local 371), following in the footsteps of his grandfather (International Brotherhood of Teamsters, Local 560).

Before joining Pomerantz, Matt worked at a large full-service firm then plaintiff-side boutique firms in Boston and Connecticut, litigating complex business disputes and securities, consumer, and employment class actions. His pro bono work included securing Social Security benefits for a veteran with non-service-related disabilities.

At the Georgetown University Law Center, Matt made the Dean's List, competed on and coached award-winning teams in the Jessup International Law Moot Court Competition, and was

Foreign Publications Editor of the *Georgetown International Environmental Law Review*. He represented Virginia's Mattaponi Tribe, as part of Georgetown's top-ranked clinical program, in its fight to block a Virginia dam project on ancestral burial grounds.

Matt earned his undergraduate degree from Wesleyan University and has devoted countless post-graduate hours to developing and supporting its pre-law programs and counseling its students and young alumni interested in the legal profession. Matt served as President of the Wesleyan Lawyers Association from 2017-2020.

From 2015-2023, Matt served as volunteer Director of his children's award-winning elementary school and middle school chess clubs, whose 100+ members compete in external tournaments; participate in goodwill exchanges to spread the game to other children; won 2018, 2019, and 2020 grade-level and divisional State Championships; and were named the Connecticut 2021 Scholastic Chess Clubs of the Year. Since 2024, Matt has co-run the chess club at Cesar Batalla School in Bridgeport, CT. Since 2023, Matt has served on the Board of Directors for the Fairfield County Children's Choir, a community-based choral program of 250+ children in Grades 4-12 whose home venue is in Bridgeport, CT, but who perform throughout the U.S. and abroad.

Notable Cases

BP P.L.C. OPT-OUTS

Groundbreaking BP Litigation Settles After Securing Investor Rights The landmark litigation has paved a path for investors that purchase securities on foreign exchanges...

EMERGENT BIOSOLUTIONS, INC.

On February 24, 2025, after four years of hard-fought litigation, Pomerantz, as Lead Counsel, secured final court approval of a \$40 million settlement...

IN RE EMERGENT BIOSOLUTIONS, INC. SECURITIES

EDWARDS V. MCDERMOTT INT'L, INC.

RAMOS V. COMERICA, INC.

IN RE MINISO GROUP HOLDING LIMITED SECURITIES

CHUN V. FLUOR CORP.

KENDALL V. C, INC.

IN RE BP P.L.C. SECURITIES

IN RE TORONTO-DOMINION BANK SECURITIES

PEREZ V. HIGHER ONE HOLDINGS, INC.

IN RE KALOBIOUS PHARMACEUTICALS, INC. SECURITIES

IN RE SILVERCORP METALS, INC. SECURITIES

IN RE EMPIRE STATE REALTY TRUST, INC.

Publications

- “Pomerantz \$40 Million Emergent BioSolutions Settlement Granted Final Approval,” *The Pomerantz Monitor*, Vol. 22, Issue 2, March/April 2025
- “\$40M Deal OK’d For Suit Over Emergent Vax Flub,” *Law360*, February 27, 2025
- “Pomerantz Achieves Settlement with Emergent BioSolutions,” *The Pomerantz Monitor*, Vol. 21, Issue 5, September/October 2024

Accolades

- *Lawdragon* 500 Leading Plaintiff Financial Lawyer (2019-2026)
- *Super Lawyers*® “Top-Rated Securities Litigation Attorney” (2016-2025)
- *Martindale-Hubbell AV*® *Preeminent*™ Peer-Rated Attorney (2014-2025)
- *American Lawyer* Top Rated Litigator (2023)
- *Benchmark Litigation* Star (2021-2023)
- Northeast Trailblazer (2021)
- *Legal 500* Recommended Securities Litigator (2016, 2021)