

Matthew H. Sloan

602.234.7858
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Areas of Practice

Creditors' Rights Business Law

Surety & Fidelity Law Litigation

Commercial Real Estate & Finance Construction Law

Business Bankruptcy Appellate



Mr. Sloan is an experienced commercial litigator whose practice areas include complex business disputes, creditors' rights, Surety & Fidelity, bankruptcy, construction law, real estate disputes and construction defects.

Mr. Sloan 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.

Mr. Sloan 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, Mr. Sloan helps lenders and lessors achieve the most favorable recoveries from distressed property and non-performing loans and leases. Mr. Sloan 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. Mr. Sloan regularly assists clients with

negotiating short sales, forbearance agreements and deeds in lieu.

Mr. Sloan graduated from the University of Arizona (B.A. 1993) and Arizona State University (J.D. 1997).

Bar Admissions

Arizona

U.S. District Court District of Arizona

New Mexico

U.S. Court of Appeals 9th Circuit

U.S. Supreme Court

Education

Arizona State University, College of Law

J.D., 1997

University of Arizona

B.A., 1993

Representative Engagements

Obtained favorable settlement following 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 courts.

Successfully defended international direct sales company from multi-million dollar wrongful termination claim.

Published Works

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. Offering a comprehensive resource for the surety practitioner, this book expertly analyzes the myriad issues that arise in complex surety cases. Chapters explore the challenges that arise in preparation for and trial of a "mega" construction surety case, examining the decisions facing the surety when confronted with litigation involving multiple parties, project locations, claimants, potential sources of salvage, and more. The book also discusses techniques and strategies to effectively handle these complex cases. For additional information or to purchase the publication information visit: [here](#)

Arizona Appellate Court Rejects Developer's Attempt to Force County to Make Subdivision Bond Claim, **Surety & Fidelity 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 & 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)

Author, *The Quick Reference Guide to Western States Surety Law*, **Nevada Chapter** (2006 – present)

Alternative Dispute Resolution, **Arizona Builders' Alliance Legal Notes** (Feb. 2003)

Honors and Awards

Selected to the **Southwest Super Lawyers** list – 2019

Named to **Southwest Super Lawyers**® lists for Construction/Surety Litigation (2018)

Professional Associations and Memberships

State Bar of Arizona

Construction Law Section, Member

Bankruptcy Law Section, Member

American Bar Association

Tort & Insurance Practice Section, Member

Surety & Fidelity Section

Litigation Section, Member

Bankruptcy and Insolvency

Litigation

Commercial Law League, Member

LEAN – Lease Enforcement Attorney Network, Member

Pro Bono Activities

Maricopa County Bar Association – Volunteer Lawyers Program

Classes/Seminars

Co-Presenter with [Chad Schxnayder](#), partner at Jennings Haug Cunningham; Sam Poteet, Manier Herod's Nashville Tennessee office; Carolyn Banks, Liberty Mutual Insurance; and Derek Popeil, CHUBB at the **2018 Fidelity and Surety Law Spring Workshop Managing and Litigating The Complex Surety Case** in Santa Fe, New Mexico (May 10-11, 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)

Community Activities

MIKID (Mentally Ill Kids In Distress)

Board Member (2000 – present)

Treasurer (2008 – present)

Youth Sports Coach (RAMMS)

Brophy Dads' Club (Member)





Contact Information

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