



D. Matthew Allen

SHAREHOLDER

TAMPA

P : 813.229.4304

F : 813.229.4133

CONNECT

mallen@carltonfields.com

[LinkedIn](#)

Overview

Matt Allen has particular emphasis in class action and antitrust litigation, having litigated dozens of class actions last year alone. More broadly, his area of practice is complex litigation, including antitrust law, deceptive trade practice law, insurance litigation, employment law (including collective actions), appellate law, and general business disputes.

Matt is board certified by The Florida Bar in Antitrust and Trade Regulation Law.

Experience

Data Privacy and Cybersecurity

- Represents a red-light camera vendor in a series of class actions pending in Florida federal court challenging the validity of traffic ticket violations based on a theory of improper delegation of police power.
- Represents a Tampa, Florida, hospital in a data breach privacy class action filed by a former patient who alleges that the hospital was negligent, violated the Florida Deceptive and Unfair Trade Practices Act, and received an unjust enrichment when a rogue employee improperly accessed the personal health information of patients at the hospital. *See Doe v. Fla. Health Sciences Ctr. Inc.*, No. 14-CA-012657 (Fla. Cir. Ct. Dec. 29, 2014).
- Represented a retail catalog sale company in a data privacy breach class action filed in 2012 in the Southern District of Florida in which the plaintiff alleged that the defendant failed to safeguard the personal identifying information of employees of one of its clients against improper computer “hacking” by a rogue employee and brought claims under the Federal Stored Communications Act, the Florida Deceptive and Unfair Trade Practices Act, and the tort of invasion of privacy. *See Burrows v. Purchasing Power, LLC*, No. 1:12-cv-22800, 2012 WL 9391827 (S.D. Fla. Oct. 18, 2012) (order on motion to dismiss); 2013 WL 10167232 (S.D. Fla. Oct. 7, 2013) (final judgment approving settlement).

Class Action Litigation

- Represented largest automobile insurance carrier in Florida in defeating class certification in multiple putative class action lawsuits filed by medical providers. *All Family Clinic of Daytona Beach Inc. v. State Farm Mut. Auto.*

Co., 280 F.R.D. 688 (S.D. Fla. 2012) Read PDF; *DWFII Corp. v. State Farm Mut. Auto. Ins. Co.*, 271 F.R.D. 676 (S.D. Fla. 2010). *aff'd*, 469 F. App'x 762 (11th Cir. 2012) Read PDF; *Coastal Neurology Inc. v. State Farm Mut. Auto. Ins. Co.*, 271 F.R.D. 538 (S.D. Fla. 2010), *aff'd*, 458 F. App'x 793 (11th Cir. 2012). Read PDF.

- Represented largest automobile insurance carrier in Medicare Secondary Payer Act class action litigation. See, e.g., *MSPA Claims 1, LLC v. State Farm Mut. Auto. Ins. Co.*, No. 1:18-cv-23165, 2019 WL 1055552 (S.D. Fla. Mar. 5, 2019) (dismissing case); *MAO-MSO Recovery II, LLC v. State Farm Mut. Auto. Ins. Co.*, No. 1:17-cv-01541, 2018 WL 2392827 (C.D. Ill. May 25, 2018) (dismissing case).
- Represented largest automobile insurance carrier in Florida in policy construction class action. See *Ayers v. State Farm Mut. Auto. Ins. Co.*, 316 F. Supp. 3d 1324 (M.D. Fla. 2018) (summary judgment order).
- Represented large timeshare company in putative class action removed to federal court under the Class Action Fairness Act of 2005; defeated remand to state court and obtained dismissal of FDUTPA and related claims. *Perret v. Wyndham Vacation Resorts, Inc.*, 889 F. Supp. 2d 1333 (S.D. Fla. 2012) (order granting motion to dismiss and closing case) Read PDF; *Perret v. Wyndham Vacation Resorts, Inc.*, 846 F. Supp. 2d 132 (S.D. Fla. 2012) Read PDF; *Perret v. Wyndham Vacation Resorts, Inc.*, No. 0:11-cv-61904, 2012 WL 592171 (S.D. Fla. Feb. 22, 2012) Read PDF.
- Represented retail supermarket chain in consumer class action removed to federal court under the Class Action Fairness Act of 2005 and defeated remand to state court. *Heretick v. Publix Super Markets, Inc.*, 841 F. Supp. 2d 1247 (M.D. Fla. 2012) Read PDF.
- Represented one of the nation's largest court reporting services in defense of a FDUTPA consumer class action. *In re Motions to Certify Classes Against Court Reporting Firms for Charges Relating to Word Indices*, 715 F. Supp. 2d 1265 (S.D. Fla. 2010), *aff'd*, 439 F. App'x 849 (11th Cir. 2011).
- Represented an automobile financing company in defense of a FDUTPA consumer class action. *Baldwin v. Miami Auto. Retail Inc.*, No. 06-19334 (Fla. Cir. Ct. 2006).
- Represented a major automobile manufacturer in defense of a series of national and state product liability class actions involving the manufacturer's F-250 and F-350 trucks. *Brisson v. Ford Motor Co.*, 602 F. Supp. 2d 1227 (M.D. Fla. 2009), *aff'd in part, rev'd in part*, 349 F. App'x 433 (11th Cir. 2009); *Lewis v. Ford Motor Co.*, 263 F.R.D. 252 (W.D. Pa. 2009).
- Represented the largest automobile insurance carrier in Florida in defense of various class action lawsuits filed by providers of MRI services. *Altamonte Springs Imaging, L.C. v. State Farm Mut. Auto. Ins. Co.*, 12 So. 3d 850 (Fla. 3d DCA 2009); *Coastal Neurology, Inc. v. State Farm Mut. Auto. Ins. Co.*, 271 F.R.D. 538 (S.D. Fla. 2010); *MRI Assocs. of St. Pete, Inc. v. State Farm Mut. Auto. Ins. Co.*, 755 F. Supp. 2d 1205 (M.D. Fla. 2010); *DWFII v. State Farm Mut. Auto. Ins. Co.*, 271 F.R.D. 676 (S.D. Fla. 2010).
- Represented a title insurer in defense of a series of class actions alleging overcharge of premiums on policies issued to mortgage lenders. *Hoving v. Lawyer's Title Ins. Co.*, 256 F.R.D. 555 (E.D. Mich. 2009).
- Represented manufacturer of dental implants in defense of product liability class action alleging that the implants were defective. *Cohen v. Implant Innovations, Inc.*, 259 F.R.D. 617 (S.D. Fla. 2008).
- Represented timeshare company in defense of class action by timeshare

purchasers. *Grimes v. Fairfield Resorts, Inc.*, 331 F. App'x 630 (11th Cir. 2007).

- Represented an airplane engine manufacturer in defense of a product liability class action alleging the engine was defective. *Montgomery v. New Piper Aircraft, Inc.*, 209 F.R.D. 221 (S.D. Fla. 2002).
- Represented a major automobile insurance carrier in class action filed by agents alleging breach of contract. *Jim Moore Ins. Agency, Inc. v. State Farm Mut. Auto. Ins. Co.*, No. 9:02-cv-80381, 2003 WL 22097937 (S.D. Fla. Sept. 2, 2003), *aff'd*, 147 F. App'x 841 (11th Cir. 2005).
- Represented a major Florida homebuilder in defense of class action and separate class arbitration, both alleging home construction defects. *Bouchard v. Ryland Grp., Inc.*, No. 2005-CA-01930, 2007 WL 2460386 (Fla. Cir. Ct. Jan. 16, 2007); *Addleman v. Ryland Grp., Inc.*, No. 11 181 01524 05 (AAA arbitration).
- Represented chemical company in defense of former employees' medical monitoring class action alleging exposure to toxic chemicals. *Hoyte v. Stauffer Chem. Co.*, No. 98-3024, 2002 WL 31892830 (Fla. Cir. Ct. Nov. 6, 2002).

Multidistrict Litigation

- Represented manufacturer of schizophrenia drug in multidistrict product liability litigation alleging the drug was defective. *In re Seroquel Prods. Liab. Litig.*, 598 F. Supp. 2d 1271 (M.D. Fla. 2009); No. 6:06-md-01769, 2009 WL 618240 (M.D. Fla. Mar. 12, 2009).
- Represented homebuilders in defense of multidistrict product liability class actions alleging drywall installed in homes was defective. *In re Chinese-Manufactured Drywall Prods. Liab. Litig.*, 626 F. Supp. 2d 1346 (J.P.M.L. 2009).

Antitrust Litigation

- Represented major automobile insurer in nationwide antitrust class action alleging conspiracy to limit coverage for auto repairs. *Gilchrist v. State Farm Mut. Auto Ins. Co.*, 390 F.3d 1327 (11th Cir. 2004).
- Represented national horse show association in standard setting monopolization and conspiracy action. *JES Props., Inc. v. USA Equestrian, Inc.*, 253 F. Supp. 2d 1273 (M.D. Fla. 2003).
- Represented seller of ultra-high-speed printers in antitrust class action alleging violations of state antitrust and FDUTPA laws. *Oce Printing Sys. USA, Inc. v. Mailers Data Servs., Inc.*, 760 So. 2d 1037 (Fla. 2d DCA 2000).
- Represented manufacturer of thermal fax paper in defense of antitrust price fixing conspiracy class action. *Excu-Tech Bus. Sys., Inc. v. Appleton Papers, Inc.*, 743 So. 2d 19 (Fla. 4th DCA 1999).
- Represented agricultural chemical company in defense of vertical price-fixing class action. *In re Agric. Chems. Antitrust Litig.*, No. 4:94-cv-40216, 1995 WL 787538 (N.D. Fla. 1995).

Employment

- Represents a Florida state agency in a disparate impact class action alleging discrimination against black and Hispanic teachers. *See Fla. Educ. Ass'n v. State of Fla. Dep't of Educ.*, No. 4:17-cv-00414 (N.D. Fla.).
- Represents a chain of dental offices in a Fair Labor Standards Act collective action. *See McGuire v. Intelident Sols., LLC*, No. 8:18-cv-02995 (M.D. Fla.).

Election Litigation

Represented the state of Florida in cases involving the 2016 elections:

- *Fla. Democratic Party v. Detzner*, No. 4:16-cv-00607, U.S. District Court for the Northern District of Florida.
- *Young v. White*, No. 3D17-107, Florida Third District Court of Appeal.
- *Fla. Democratic Party v. Scott*, No. 4:16-cv-00626, U.S. District Court for the Northern District of Florida.
- *Olivares v. Trump*, No. 2016 CA 002646, Second Judicial Circuit in and for Leon County, Florida.

All Insights

07.08.2019	Equal Pay and Class Action Implications
04.25.2019	Lights Out on Classwide Arbitration: Supreme Court Rules in Lamps Plus That Ambiguity in Agreements Is Not Enough to Permit Classwide Arbitration
04.09.2019	Food for Thought: A Review of 2018 Litigation
04.02.2019	Split Over Impact of Bristol-Myers Squibb on Class Actions Deepens
03.21.2019	Chaos in Gaos: Supreme Court Avoids Cy Pres Ruling and Remands Google Settlement for Standing Analysis
01.04.2019	Ninth Circuit Says Local Rule 90-Day Deadline to File Class Certification Motion Incompatible With F
11.05.2018	Don't Count Your Chickens – Or State Citizens for CAFA Exceptions – Before They Hatch
10.29.2018	Employers and Employees Look Ahead to Potential Impact of SCOTUS Rulings on Arbitrations vs Class Action Cases
10.01.2018	Classified: The Class Action Blog Editor
09.17.2018	Volkswagen Passes Fairness Test for Class Settlement in Dispute Over “Defeat Devices” to Bypass Emis
05.24.2018	Food for Thought: A Review of 2017 Litigation
05.16.2018	Aw Schnucks! Seventh Circuit Dismisses Data Breach Class Action by Financial Institution Plaintiffs Under Economic Loss Doctrine

04.18.2018	DC Court Weighs Whether Bristol-Myers Squibb Applies to Class Actions in Whole Foods Case
04.02.2018	Sorry, But Your Credit Card (Class Action) Has Been Declined
03.23.2018	District Courts Split on Whether Bristol-Myers Squibb's Specific Personal Jurisdiction Analysis Bars Nationwide Class Actions In Districts Beyond Defendant's Home Venue
03.19.2018	Careful What You Wish For – Additional Discovery Requested by TCPA Class Plaintiff Leads to Decertification Order in Northern District of Illinois
02.11.2018	The Ten Commandments of Writing an Effective Appellate Brief
12.05.2017	Keep the Change – The Southern District of New York Authorizes Claims Administrator to Retain Portion of Accrued Interest on Settlement Funds
08.23.2017	Individualized Inquiries and Difficulties Identifying Class Members Doom Title Insurance Reissue Rate Class Action
08.22.2017	Objectively Non-Flushable? The Northern District of California Certifies Consumer Class Regarding Charmin Freshmates
08.07.2017	Second Circuit Clarifies Ascertainability Rule, Rejecting "Heightened" Standard of Administrative Feasibility
06.14.2017	Game Over – SCOTUS Holds a Voluntary Dismissal With Prejudice Is Not a Viable Means to Appeal a Denial of Class Certification
05.10.2017	A Damages Class Is Certified, but No Standing for Declaratory and Injunctive Class
05.09.2017	Alleged Violations of Florida Building Code Not Subject to Class Treatment
05.03.2017	Attempting to Counter a CAFA Loophole
05.02.2017	More Bad News for Uber, This Time From the Southern District of California
05.01.2017	An Offer You Can Refuse

04.14.2017	Class Representatives Do Not Hold Veto Power Over Class Settlement
04.13.2017	Pay Attention: A Class Certification Decision You Might Want To Remember
04.13.2017	Nigerian Natural Gas Drilling Rig Explosion Class Action Blown Away
02.23.2017	Mortgage Servicer Defeats Class Certification Over Collection Practices Allegedly Targeting Discharged Mortgage Debts
02.09.2017	What are Interim Class Counsel and When Should They be Appointed?
02.09.2017	TCPA Class Certified Based Largely on “Concrete Injury” Determination
02.06.2017	Judge Gorsuch on Class Actions
01.27.2017	Ohio Court Compels Plaintiffs to Respond to Interrogatories Regarding the “Contours” of the Putative Class
01.25.2017	No, Yes, or Back to State Court? Three Circuits Address Standing in Statutory “No Injury” Class Actions
12.07.2016	California Court Rejects Attempt to Overturn Judgment Based on Spokeo
12.07.2016	Divergent Views on Class Discovery
12.07.2016	Eleventh Circuit Clarifies CAFA Jurisdiction Continues After Dismissal of Class Claims
09.15.2016	California Court Applies Strict Scrutiny to Reject Uber Class Settlement
09.14.2016	Ninth Circuit Affirms Certification of “No Injury” Wage and Hour Class
09.14.2016	Disgruntled Timeshare Owner’s Bid for Class Arbitration Thwarted
08.15.2016	Lawyers Sanctioned for Seeking to Settle Federal Court Class Action in State Court

07.19.2016	Tendering Funds to Support Unaccepted Offer of Judgment Still Does Not Moot Case
------------	--

07.19.2016	A Tale of Two Decertification Motions
------------	---------------------------------------

05.19.2016	Southern District of California Rejects Coupon Class Settlement
------------	---

05.17.2016	Supreme Court Steers Clear of Consumer Standing Issue in Spokeo
------------	---

05.16.2016	The Amount-in-Controversy Requirement Presents an “Obstacle” to CAFA Removal
------------	--

04.19.2016	SCOTUS Denies Review Regarding Pennsylvania Wal-Mart “Rest Break” Class Judgment
------------	--

04.14.2016	Southern District of California Diffuses Hairdryer Class
------------	--

04.13.2016	A Tale of Two Orders: Different Results for Motions to Strike Class Allegations
------------	---

04.12.2016	For Want of a Damages Model, Certification Was Lost
------------	---

03.22.2016	Reverse Cycle! Eleventh Circuit Reverses “Smelly Washing Machine” Class Certification Due to Outmoded Standard
------------	--

03.22.2016	Sample This! Tyson Employee Class Wins Significant but Narrow Supreme Court Victory
------------	---

02.24.2016	Move Along; Nothing to See in Ninth Circuit’s TCPA Opinion
------------	--

02.15.2016	Food for Thought: 2015 Litigation Annual Review
------------	---

01.20.2016	Supreme Court Rules Unaccepted Rule 68 Offer of Judgment Cannot Moot Class Action
------------	---

04.01.2015	Recent Developments in Business and Corporate Litigation
------------	--

03.16.2015	2015 Class Action Survey: Best Practices in Reducing Cost and Managing Risk in Class Action Litigation
------------	--

02.24.2015	Food for Thought: 2014 Litigation Annual Review
------------	---

04.14.2014	2014 Class Action Survey: Best Practices in Reducing Cost and Managing Risk in Class Action Litigation
09.27.2013	The 'Rigorous Analysis' Overlay on Current Class Action Jurisprudence
09.08.2013	Square Pegs in Round Holes: Class Certification in GMO Food Products Cases
05.03.2013	2013 Class Action Survey: Best Practices in Reducing Cost and Managing Risk in Class Action Litigation
03.25.2013	Annual Review of Developments in Business and Corporate Litigation
03.07.2013	When the Cup Runneth Over: Cy Pres Distributions in Class Action Settlements
03.31.2012	2012 Class Action Survey: Best Practices in Reducing Cost and Managing Risk in Class Action Litigation
03.01.2012	Annual Review of Developments in Business and Corporate Litigation
02.10.2012	Nature of the Beast: Recurrent Ethical Issues Confronting Attorneys Attempting to Settle Florida Class Actions
01.09.2012	NLRB Rules Against Class Action Waivers
06.01.2011	The Federal Character of Florida's Deceptive and Unfair Trade Practices Act
04.01.2011	Class Action Litigation: Successful Partnering Between Inside and Outside Counsel (2011 edition) <i>Thomson/West and Association of Corporate Counsel Treatise</i>
03.01.2011	Annual Review of Developments in Business and Corporate Litigation, Chapter 7
01.22.2011	Taming the Kraken: The Supreme Court Weighs in on Class Actions in 2011
07.28.2010	The Supreme Court's Class Action Arbitration 'Do Over' in Stolt-Nielsen

07.20.2010 New 11th Circuit CAFA Decision That May Affect Subject Matter Jurisdiction in Pending Class Actions in Federal Court

02.01.2010 Class Actions: Successful Partnering Between Inside and Outside Counsel
Thomson/West and Association of Corporate Counsel Treatise (PDF)

06.02.2009 New Case on Class Action Settlement

01.01.2009 Annual Review of Developments in Business and Corporate Litigation (2009)

01.01.2008 Annual Review of Developments in Business and Corporate Litigation (2008)

12.31.2006 Class Certification: Plaintiff's & Defendant's Perspective

04.30.2006 Business Litigation and Trade Regulation News: Class Action Law Update

12.31.2005 Defending Class Actions

12.31.2005 Issues Certification-White Papers

04.30.2003 Back to the Future: Toward a More Rigorous Analysis of Antitrust Class Actions

12.10.2002 ABA Antitrust Section Health Care Chronicle

01.01.2002 Beating the Odds: Practical Advice on Winning the Class Certification Game by Litigation or Settlement

03.30.1999 The Pass-On Problem In Indirect Purchaser Class Litigation

03.30.1999 The Pass-On Problem in Indirect Purchaser Class Litigation

12.31.1998 The Aftermath of Amchem

12.30.1995 Umbrella Protective Orders and the "Good Cause Trap" for the Unwary Litigator

12.31.1994 Can the Antitrust Enforcers Live Up to their Press Billings?

12.31.1993 ABA Antitrust Health Care Handbook II

12.31.1992 1993 Review of Antitrust Law Developments

12.31.1991 The Active Supervision Requirement for State Action Immunity

All News

07.09.2018 Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida “Super Lawyers” and “Rising Stars”

06.23.2017 Florida Super Lawyers Ranks 92 Carlton Fields Attorneys as 2017 “Super Lawyers” and “Rising Stars”

03.20.2017 Carlton Fields Recognized as a Top Firm for Class Actions and Insurance Industry by JD Supra’s Readers’ Choice Awards

Recognition

- AV Rated by Martindale-Hubbell
- Selected for inclusion in *Florida Super Lawyers* (2009-2014, 2017-2019)
- Listed in *Chambers USA Guide to America's Leading Business Lawyers*

Professional & Community Involvement

- American Bar Association
 - Antitrust Law Section
 - Litigation Section
 - Appellate Practice Committee
 - Subcommittee to Study Circuit Size (1993)
- The Florida Bar
 - Editor, Trial Law Column of *The Florida Bar Journal* (2005-present)
 - Antitrust & Trade Regulation Law Certification Committee (2010-2013)
- Hillsborough County Bar Association
- The Federalist Society, Tampa Bay Lawyers Chapter
 - Former President
- A Woman’s Place Ministries
 - Former Director and Chairman of Board
- The Paideia School of Tampa Bay
 - Director (2006-present)

Speaking Engagements

- "Making a Big Impact in Consumer Protection: Analyzing Consumer Impact Cases," Annual Florida Bar Convention, Boca Raton, FL (June 27, 2015).
- "Major Supreme Court Decisions Impacting Class Actions," Carlton Fields Class Action Symposium, New York (June 2013).
- "Class Action Removal Standards in Flux," Strafford Publications Inc. (July 16, 2009).

Pro Bono

- Represented objector to U.S. holocaust survivors' class action settlement of claims against a Swiss bank in alleging that settlement was not fair to U.S. survivors. *In re Holocaust Victim Assets Litig.*, No. 00-9593, 00-0613, 00-9614 (2d Cir.).
- Represented Florida Association of Licensed Adoption Agencies in high-profile dispute over prospective parents' rights in adoption challenge by birth father. *In Interest of Baby Boy G.*, 703 So. 2d 1103 (Fla. 2d DCA 1997).

Credentials

EDUCATION

- Vanderbilt University Law School (J.D., 1990)
- University of Tennessee at Chattanooga (B.A., *magna cum laude*, 1987)

BAR ADMISSIONS

- Florida

BOARD CERTIFICATIONS

- Antitrust & Trade Regulation

COURT ADMISSIONS

- United States Supreme Court
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- Florida State Courts

Areas of Focus

PRACTICES

- Antitrust and Trade Regulation
- Class Actions
- Energy and Utilities
- Litigation and Trials
- Mass Tort and Product Liability