

Timothy H. Madden



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Tim Madden is a tenacious litigator who represents businesses and individuals in litigation and arbitration in various industries, including financial services, healthcare, retail, manufacturing, technology, real estate, gaming and construction. He also defends individuals under government investigation by a range of state and federal agencies.

Tim is experienced at representing plaintiffs and defendants in a wide range of disputes that arise in the conduct of business. These include allegations of fraud, breach of contract, breach of fiduciary duty, violations of the False Claims Act, violations of RICO, defamation, employment discrimination, wrongful termination, theft of trade secrets and many other types of claims.

Many of Tim's clients are small to middle market businesses to which any dispute is high stakes. It is likely these clients have never faced a criminal or civil complaint or investigation, and they appreciate Tim's ability to manage their defense or assert their claims with a priority to being responsive and accessible while maintaining the desired level of communication.

In addition to his business litigation experience, Tim is experienced representing clients in connection with criminal and civil government investigations, including investigations by the Department of Justice, the SEC and other securities regulators, various state Attorneys General, the Internal Revenue Service, and other civil and criminal regulators. Tim also conducts internal investigations, often involving issues related to employee misconduct, and has substantial experience handling data breaches and resulting class actions.

Tim commands 360-degree perspective of all aspects of bringing and defending against criminal and civil allegations having litigated in state and federal trial and appellate courts and various arbitration proceedings, and having served as a Special Assistant District Attorney in Plymouth County, Massachusetts and as a police officer in Alexandria, Virginia.

Tim was honored by Massachusetts Super Lawyers as a Rising Star in 2013, and as a Super Lawyer in 2017 and 2018.

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RELATED PRACTICES

Complex Business Litigation
White Collar Defense &
Government Investigations
SEC Enforcement Defense
Employment Litigation

EDUCATION

JD, High Honors, Rutgers
School of Law-Newark, 2002
BA, University of Mary
Washington, 1993

BAR ADMISSIONS

Massachusetts
New York
United States District Court
(D. Mass)
United States Court of
Appeals (1st Cir.)

EXPERIENCE

Complex Commercial Litigation

- Secured the dismissal of False Claims Act claims alleging improper billing of prescription medication.
- Obtained dismissal of class action litigation arising out of a nationwide data breach.
- Represented Successfully defended defamation claims against a reporter and newspaper at trial and on appeal.
- Successfully defended a retail client facing allegations of violations of state lottery laws.
- Successfully argued for the unsealing of court records in numerous high profile state court criminal matters.
- Defended a medical device company accused of making false claims for Medicare/Medicaid reimbursement.

Corporate Governance & Shareholder Disputes

- Represented a business denied an operating license due to claims of breach of fiduciary duty connected with a background check. We demonstrated the information in dispute was known to the claimants and not the cause for denial of the license. We negotiated a significantly reduced settlement.
- Obtained summary judgment regarding a former director of a Massachusetts corporation's right to indemnification and advancement of legal fees in connection with allegations of breaches of fiduciary duty.

SEC Enforcement Defense

- Represented a major manufacturer and obtained a dismissal of claims brought by its shareholders in a class action suit.
- Represented a major financial institution in arbitration involving claims stemming from the sale of auction rate securities.
- Represented a venture capital fund in a pay-to-play investigation.
- Represented individual and institutional investors in connection with insider trading investigations.
- Represented a defense contractor and obtained dismissal of an SEC inquiry concerning alleged accounting and disclosure improprieties.
- Represented corporate and individual clients concerning allegations of stock options backdating, resulting in no action by the SEC.

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White Collar Defense & Government Investigations

- Defended an investigation concerning violations of the state and federal environmental laws.
- Represented individuals and corporations in connection with investigations of alleged tax fraud.
- Defended an international broker-dealer in connection with market timing investigations initiated by multiple civil and criminal authorities.
- Represented an importer in connection with a customs fraud investigation involving the alleged underpayment of import duties.
- Successfully defended criminal investigations into the fatal collapse of ceiling tiles in the Central Artery Tunnel of Boston's Big Dig.
- Represented a retail client in connection with an audit by the Internal Revenue Service concerning compliance with anti-money laundering regulations.
- Participated in the Stern Commission's investigation into the shooting death of a college student following a 2004 Red Sox playoff victory.

Intellectual Property Litigation

- Representing a goods manufacturer in a complex dispute that includes securing our client's name without consent, stealing designs and marketing and selling our client's products.

Employment Litigation

- Successfully defended allegations of workplace sexual harassment, obtaining summary judgment on all claims.