

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. Tim also represents employers and employees in workplace disputes and 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.

Tim has particular expertise representing parties involved in disputes over the ownership and management of closely-held businesses, and has represented numerous officers and directors in disputes alleging breaches of fiduciary duty.

In addition, Tim represents both businesses and employees in workplace disputes, including those involving alleged discrimination or harassment, theft of trade secrets or confidential information, and other similar issues. Tim also advises both employers and employees on separation agreements and related issues.

In addition to his business and employment 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

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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.)

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 litigation, having handled matters in state and federal trial and appellate courts and various arbitration forums. Tim previously served as a Special Assistant District Attorney in Plymouth County, Massachusetts and prior to attending law school was a police officer in Alexandria, Virginia.

Tim is honored as a Massachusetts Super Lawyer and was previously a Super Lawyer "Rising Star."

EXPERIENCE

Corporate Governance & Shareholder Disputes

- Represented officers and director of corporation charged with alleged breaches of fiduciary duty, violation of ERISA, violation of RICO, and assorted other claims.
- Represented plaintiff corporation in lawsuit alleging breach of contract, fraud and related claims, stemming from multi-million dollar redemption of stock.
- Represented a business denied a casino operating license against claims by shareholders.
- 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.
- Prevailed at trial in close corporation shareholder derivative action involving claims of breach of contract and breach of fiduciary duty.
- Represented multiple closely-held businesses and/or individuals involved in disputes amongst shareholders over ownership and management of businesses.

Employment Litigation/Advice

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

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- Represented client in federal court action including allegations of race, ethnicity and religious discrimination.
- Represented clients in defense of lawsuit alleging wrongful termination, breach of contract, breach of fiduciary duty and breach of ERISA fiduciary duties, among other claims.
- Represented numerous departing executives and advised on the negotiation of separation and severance arrangements.
- Successfully represented company sued for hiring competitor's employee in breach of non-compete agreement and as an alleged means to misappropriate trade secrets and confidential information.

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.
- 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.
- Represented a medical device company accused of making false claims for Medicare/Medicaid reimbursement.
- Represented a major financial institution in arbitration involving claims stemming from the sale of auction rate securities.

SEC Enforcement Defense

- Represented a major manufacturer and obtained a dismissal of claims brought by its shareholders in a class action suit.
- 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.
- Successfully argued for the unsealing of court records in numerous high profile state court criminal matters.

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.