

## Complex Business Litigation

### TEAM

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### OVERVIEW

**When a business or its owners bring affirmative claims seeking to vindicate important rights, the stakes are high. Likewise, when a business or its owners face claims that threaten the enterprise, its finances, its assets or its reputation, an effective defense is critical.**

Our experience bringing and defending complex claims spans a full range of businesses, transactions, and legal issues central to the modern and ever-changing commercial world. Our clients range from Fortune 500 corporations, to middle market businesses, startups, partnerships, and family-owned companies.

A sampling of our complex business litigation experience includes:

- Business control and operations claims
- Intellectual property
- Software licensing
- Supplier and vendor contracts
- Work defects
- Fraud and misrepresentation
- Product liability
- Real estate and construction claims
- Payment claims
- Bad faith and unfair dealing
- Wrongful death
- Defamation

While litigation is our specialty, we know it is often a stressful interruption to your business. That's why—when the circumstances are right—we fight to win through creative problem-solving, mediation, alternative dispute resolution, negotiation and other pathways that can lead to an expedited and positive result out of court. Should those avenues fail, or not represent the optimal approach, our team offers decades of experience handling all phases of trial and appeal in state

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and federal courts.

In strategizing and managing complex business disputes, we draw on experience in private practice as well as enforcement. Our team members have served in U.S. Attorney's offices, as Special Assistant District Attorneys, as partners in large law firms, as arbitrators, and one is a former police investigator. The body of this experience informs our understanding of how to develop, scrutinize and present evidence, examine witnesses at trial and deposition, present winning cases before juries, judges and arbitrators, and maximize leverage.

We always fight to win, but know how to win with minimal fighting or no fighting at all. The path forward is always guided by your goals and objectives, and proceeds with a focus on clear, continual communication and practical business thinking.

### EXPERIENCE

- Successfully defended a national accounting firm at a five week trial against \$25 million claims arising from allegations involving performance of audit engagement and loan loss reserves.
- Represented an individual shareholder in an action against a closely-held corporation alleging violations of the Blue Sky laws and common law fraud. Successfully resolved the matter in mediation following discovery.
- Defended a global communications company in a multimillion dollar breach of contract and unjust enrichment action involving the development of a statewide fiber-optic network.
- Prosecuted breach of contract and misappropriation of trade secrets action on behalf of a national software company against a competitor that had failed to pay licensing fees and improperly used and distributed a proprietary programming code.
- Represented a shareholder in connection with her redemption from a closely-held family business. Successfully resolved claim pre-litigation.
- Obtained dismissal of all claims in a suit filed by the estate of an alleged victim of the Winter Hill Gang against the United States and several former FBI agents.
- Obtained dismissal of claims brought by a student loan recipient against various lending institutions alleging, among other things,

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violations of the Fair Credit Reporting Act and Fair Debt Collection Practices Act.

- Obtained dismissal of a shareholder suit against former directors of a telecommunications company based on alleged fraud and breach of fiduciary duties.
- Represented a medical device company in an 85-day arbitration involving complex cost accounting and allegations of breach of contract, fraud and violations of M.G.L. c. 93A.
- Secured the dismissal of False Claims Act claims alleging improper billing of prescription medication.
- 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.
- 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.
- Successfully argued for the unsealing of court records in numerous high profile state court criminal matters.
- Achieved dismissal on summary judgment of business defamation claims against a trade show producer, affirmed on appeal.
- Defended a telecommunications company in a multimillion dollar fraud and breach of contract action.
- Obtained dismissal of claims brought by a student loan recipient against various lending institutions alleging, among other things, violations of the Fair Credit Reporting Act and Fair Debt Collection Practices Act.
- Represented companies contesting public agency release of confidential documents under the Freedom of Information Act.
- Successfully negotiated a trader's separation agreement from hedge fund pre-litigation.
- Represented a division of a global food company in litigation against subcontractors to recover damages arising from a recall.

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- Obtained a preliminary injunction in favor of a business owner in a dispute with a former partner and successfully defended the injunction on appeal.
- Represented an industrial products distributor pursuing claims of unfair allocation of a key raw material during a shortage against its largest supplier.
- Defended a major defense contractor against claims by a foreign subcontractor in an International Chamber of Commerce arbitration and post-arbitration proceedings.