

ASSOCIATE

## Jared A. Fiore

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### OVERVIEW

Jared Fiore is a civil litigator who represents businesses, shareholders and individuals in a wide range of disputes involving contract breaches, shareholder freeze outs and claims of personal injury or property damage in the state and federal courts of Massachusetts. Jared counsels his clients by finding a strategic approach that is specific to the goals of the client.

He has advised clients as their lawyer through all avenues of dispute resolution, including trial, arbitration, mediation and private settlement negotiations. Clients rely on Jared's practical advice, depth of experience and guidance in complex and stressful situations.

Jared received a President's Award in June 2019 from the Worcester County Bar Association for his work as a co-chair of the Civil Litigation Session.

### Before Bowditch

Before joining the firm, Jared was an associate with a boutique litigation firm in Boston. He is a former Judicial Intern to the Honorable John S. McCann of the Massachusetts Superior Court and former Intern for the Principal Legal Advisor for the Department of Homeland Security in Boston.

### Besides work

Jared enjoys spending time outdoors with his wife, kids and dog. He also enjoys golfing and kayaking.

### EXPERIENCE

#### Defense of Medicaid false claims and embezzlement

In a recent matter involving suits pending in probate, superior, and federal district court, Jared defended against claims that a decedent had embezzled millions of dollars from Medicaid through his employer in an elaborate check-cashing scheme. "The situation was complex, involving Medicaid, businesses, creditors, an estate and a whistleblower," Jared explained, "but the solution only required the development of a simple argument." Jared argued at a hearing that based on the facts at issue, only one court had the authority to adjudicate the claims against the estate and that they could be resolved without a trial.

#### Defense of attack on general partner

Jared's client, a Puerto Rico-based business, had to go on the offensive to obtain a court ruling that it was the rightful general partner of a Massachusetts-based partnership operating housing complexes in Puerto Rico. A competitor to Jared's client became a limited partner in the partnership as part of a strategic plan to ascend to the role of the general partner. Based on the partnership agreement, the competitor attempted to argue that Jared's client had withdrawn as the general partner when it failed to file certain annual reports, resulting in the Secretary of State revoking its certificate of incorporation. Jared's research and argument persuaded a Massachusetts court that the general partner's corporate status had been revived *nunc pro tunc* (in other words, as if the revocation had never occurred) and therefore, that the general partner had not withdrawn from the partnership.

## Resolution of commercial lease dispute

Jared's client, a historic international business, was sued by a commercial landlord when it relocated its warehouse. The landlord of the vacated property brought suit alleging numerous breaches of the lease including insufficient notice, failure to remove equipment and failure to repair certain portions of the property. Jared brought counterclaims on behalf of his client against the landlord. After an aggressive discovery process, Jared negotiated a resolution prior to trial. "There are many considerations in determining a litigation strategy, including, for example, risk, public relations, litigation costs and return on investment, future business dealings, etc. Sometimes the best business decision is to resolve a dispute in a cost-effective way, even if you are convinced that you would win at trial."

## OTHER EXPERIENCE

### Business litigation

- Breaches of fiduciary duties of board director
- Contract dispute arising from roof collapse of commercial building due to snow during interim period between purchase and sale agreement and closing
- Breach of fiduciary duty claims against investment advisors and financial services firm regarding variable universal life insurance and variable annuity
- Freeze out claims by shareholder in a three-partner business
- Multimillion dollar contract dispute regarding radioactive waste remediation at site used to develop atomic weapons in the 1940s and 1950s
- Theft of corporate opportunities and freeze out claims in Joint Venture
- Business-to-business contract disputes for non-payment of goods sold and services rendered
- Defective product and installation of commercial glass
- Public Bid dispute between contractor and housing authority

### Personal injury/wrongful death/property damage

- Wrongful death claims involving construction work zone setup
- Wrongful death claim involving negligent maintenance of property
- Wrongful death claims involving electrocution
- Property damage claims involving electrical fires

## AFFILIATIONS

### PROFESSIONAL/COMMUNITY

- Co-chair, Civil Litigation Section, Worcester County Bar Association
- Top Rated Business Litigation Attorney, Super Lawyers Rising Stars 2017
- Board of Directors/Co-Chair of the Public Policy Committee, Rainbow Child Development Center
- Member, Holy Cross Lawyers Association
- Member, Notre Dame Alumni Club of Boston
- Member, Massachusetts Bar Association
- Member, Boston Bar Association

### PREVIOUS

- Past Member, Leadership Worcester Class of 2017
- Past Member of Board of Directors, Holy Cross Alumni Association
- Past Co-Chair, Holy Cross Alumni Association, Young Alumni Committee
- Past President, Holy Cross Club of Greater Worcester

## ARTICLES & TALKS

### ARTICLES

- [“How prejudgment attachments impact your leverage,”](#) Worcester Business Journal, June 8, 2020
- [“Failure to respond can be costly for your business ,”](#) Worcester Business Journal, March 16, 2020
- [“Seeking meaningful results in lawsuits ,”](#) Worcester Business Journal, March 2, 2020
- [“The Massachusetts Independent Contractor Law: Sorting Out the Three-Prong Test ,”](#) MCLE New England, June 21, 2016

### TALKS

- Co-Presenter, [“Will Traditional Business Insurance Policies Apply to Claims Related to the Coronavirus?”](#) Association of Corporate Counsel Northeast webinar, April 7, 2020
- [“Deciphering Business Interruption Insurance in the COVID-19 Crisis ,”](#) Massachusetts Continuing Legal Education Webinar, April 3, 2020

### BAR ADMISSIONS

- First Circuit Court of Appeals
- Massachusetts
- U.S. District Court, District of Massachusetts

### EDUCATION

- J.D., *cum laude*, University of Notre Dame Law School; University of Notre Dame Law School Dean's Award for Trial Advocacy
- B.A., College of the Holy Cross; Holy Cross Alumni Association's Young Alumni Leadership Award, 2014