

OF COUNSEL

Carly Krolak

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OVERVIEW

Carly Krolak counsels clients on a wide range of commercial and employment-related matters. She has extensive experience representing clients in federal and state courts and before administrative agencies. She focuses her practice on actions involving non-competition, non-solicitation and non-disclosure agreements, unfair competition, trade secrets, breach of contract, breach of fiduciary duty, and other business and employment-related torts. She also represents clients in connection with allegations of discrimination, harassment, retaliation and violations of federal and state wage and hour laws.

Additionally, Carly advises large and small companies regarding day-to-day employment matters. Carly helps employers avoid litigation by conducting training seminars on such issues as sexual harassment, discrimination, employee discipline and discharge, leaves of absence, reasonable accommodations and investigation of employee grievances. She also advises employers on developing and enforcing policies and procedures, employee handbooks and employment agreements.

Besides work

Carly spends most of her free time cheering on her kids at their swim meets, track meets, soccer games, and other activities. On the rare occasion when she is not at a kids' sporting event, she enjoys being outdoors, gardening, kayaking, hiking, or skiing with her family. Carly also is an avid consumer of audiobooks and has listened to over 200 books in a year (often at 3X speed).

EXPERIENCE

Employee transition litigation and arbitration

- Successfully defended a broker-dealer client and its newly-hired registered representative against unfair competition, misappropriation of trade secret, and breach of non-solicitation agreement claims in FINRA arbitration
- In concurrent FINRA and AAA arbitrations, pursued raiding, breach of fiduciary duty and breach of contract claims against two former registered principals and sales managers and obtained a $1M settlement
- Vigorously pursued claims for trade secret misappropriation and breach of fiduciary duty against the former president of a specialty insurance company and the competitive insurance business that he formed, resulting in a settlement of over $1M
- Brought an action against a client's former employee, who established a competitive insurance agency with one of the client's business partners, and obtained an injunction protecting the client's customer base for six years and a $500K

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settlement

- In actions asserting claims for trade secret misappropriation and breach of restrictive covenants against two former insurance agent employees and their new employers, obtained preliminary and permanent injunctive relief and $450K in damages

Enforcing arbitration agreements

- Obtained orders compelling FINRA arbitration and successfully defended the enforceability of arbitration provisions in client's customer agreements in briefs in Massachusetts Superior Court, Appeals Court, and Supreme Judicial Court

Defending against claims of discrimination

- Defended corporate clients, including an industry-leading, global technology provider, a regional grocery retailer, a national specialty retail business, a non-profit healthcare provider, and a Massachusetts health plan, against claims of discrimination at the Massachusetts Commission Against Discrimination (MCAD)

Other commercial disputes

- Obtained a $425K settlement for a Massachusetts-based technology company in a breach of contract and fraud action against the president and founder of a defunct Canadian technology company
- Effectively represented general partner in a Massachusetts limited partnership in an action brought by two limited partners, who asserted breach of fiduciary duty claims based on the general partner's refusal to consent to the transfer of partnership interests in violation of the terms of the partnership agreement. Obtained dismissal of limited partners claims and summary judgment for client on its counterclaim based on contractual indemnity provision in the partnership agreement.
- Assisted with the representation of a minority shareholder in an arbitration claim alleging the majority shareholder breached the stockholder agreement by failing to promote the minority shareholder's invention, resulting in a $10M award and over $500K in attorneys' fees and sanctions. Subsequently, assisted in the preparation of successful briefs to oppose motion to vacate and to obtain confirmation of the award.

AFFILIATIONS

- Member, Boston Bar Association
- Member, Women's Bar Association
- Member, American Bar Association

HONORS

- Named to the Massachusetts *Super Lawyers* Rising Stars list, 2012

ARTICLES & TALKS

ARTICLES

- "Federal District Court Strikes Down FTC Non-Compete Ban," Bowditch, 2024
- "New FTC Rule Imposes Sweeping Ban on Non-Compete Agreements with Workers," Bowditch, 2024

BAR ADMISSIONS

- Massachusetts
- U.S. District Court, District Court of Massachusetts

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EDUCATION

- J.D., *cum laude,* Boston University School of Law
- B.F.A., *summa cum laude,* Virginia Commonwealth University

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