

## PARTNER

## Jared A. Fiore

T. 508-926-3416 E. [jfiore@bowditch.com](mailto:jfiore@bowditch.com)

## OVERVIEW

Jared is a business advisor and trial lawyer who advises clients in a wide variety of commercial matters and disputes, including contract, shareholder, partnership, internal family business, lease, and property disputes. He has defended construction and utility companies in wrongful death actions involving allegations of work zone traffic safety.

Jared has advised clients through all avenues of dispute resolution, including trial, arbitration, mediation and private settlement negotiations. He is known for analyzing client problems from multiple angles and weighing the pros and cons of various actions in an effort to achieve meaningful results for clients.

Clients confidently rely on Jared to develop a strategy tailored to their particular goals and concerns, and rely on his practical advice, depth of experience and guidance in complex and stressful situations. He has the respect of many clients and fellow attorneys not only as a trial lawyer, but as a true counsellor at law.

Colleagues at Bowditch frequently consult Jared due to his keen legal analysis and ability to solve complicated problems. Jared is also a rising leader within the firm, championing the development and mentorship of the firm's associates.

Jared is a longtime board member and supporter of Rainbow Child Development Center in Worcester, which provides child care, preschool, after-school care, and summer camp to hundreds of children in Worcester.

Jared is a recipient of the College of the Holy Cross Young Alumni Leadership Award and a recipient of the Worcester County Bar Association's President's Award.

## Besides work

Jared enjoys spending time outdoors with his wife and three sons. He also enjoys golfing and kayaking.

## EXPERIENCE

**Million-dollar judgment against former employee who stole company's confidential information**

After a multi-day trial in the Massachusetts Superior Court, Jared Fiore obtained a judgment in favor of a national product supplier in excess of a million dollars. The client asserted claims for breach of duty and intentional interference with advantageous business relations against a former employee who had become disgruntled, quit, stole the business's confidential profit margin information on his way out the door, and used the information to sabotage the business's

relationship with its largest customer. The former employee's acts caused the customer to refuse to pay an outstanding debt of over \$700,000. The employee argued that the business had engaged in commercial bribery by providing lavish gifts to a purchasing agent and that he was a whistleblower. The fact-finder agreed with the evidence and argument presented by Jared and found in favor of the client at trial.

### Defense of claim that plaintiff was ousted from partnership

In a multi-week jury trial in United States District Court in Boston, Jared Fiore and Michael Angelini successfully defended against an allegation that the client and two others had entered into a partnership with the plaintiff to develop what became a highly successful business and then unlawfully discharged the plaintiff, terminated the partnership, and retained all of the former partnership's assets. The plaintiff claimed that the value of his interest in the partnership assets was worth over a hundred million dollars and that he was entitled to multiple damages, attorneys' fees, and costs by reason of unfair and deceptive acts and practices pursuant to M.G.L. c. 93A.

### Ownership of property declared for company by adverse possession

After a multi-day trial in the Massachusetts Superior Court, Jared Fiore and Michael Angelini obtained a judgment in favor of an international company with a local industrial facility. A neighboring property owner sued our client for ownership of a vital portion of our client's facility, claiming to own it by record title. Jared and Mike convinced the fact finder that despite the plaintiff holding record title, the client had obtained ownership of the subject property through adverse possession.

### Defense of company's largest shareholder

Jared Fiore and Douglas Radigan defended a company's largest shareholder (a business entity) in the United States District Court in Boston against allegations that it had participated in terminating plaintiffs' consultant agreements with the company and diluted their shares with the company in a change-of-control transaction. After Jared and Doug filed a motion to dismiss those allegations, plaintiffs amended their claims to a purported class action and alleged violations of the Securities Exchange Act, breach of fiduciary duties, and aiding and abetting breaches of fiduciary duties. Jared and Doug filed another motion to dismiss on behalf of the client and the court ruled in their favor, which became the subject of an article in *Massachusetts Lawyers Weekly*. The plaintiffs then made a third attempt in the United States District Court, this time alleging tortious interference with contractual relations. Jared and Doug filed a third motion to dismiss and once again, the court ruled in the client's favor.

### Defense of company against claims of breach of fiduciary duty and breach of contract

In an action filed in the Massachusetts Superior Court, one of three members in a closely-held, limited liability company alleged that the company had breached a contract with him by failing to make payment when due and that it had breached its fiduciary duty to him by selling property for nominal consideration without his approval and with knowledge that it owed him money. After a vigorous defense, motion practice in the Massachusetts Superior Court, and an appeal where Jared Fiore argued before the Massachusetts Appeals Court, the parties privately resolved the matter.

### 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.

### Securing \$5 million in excess coverage

A federal appeals court overturned a lower court ruling that had favored a General Re Corp. unit in a dispute with a trucking company in a pollution case, holding that an endorsement in its excess policy was ambiguous. After cleanup costs exceeded the trucking company's primary insurance policy, PTI filed a claim with General Star, which denied coverage based on a "total pollution" exclusion in its policy. The trucking company then filed suit in U.S. District Court in Worcester for breach of contract, arguing there was coverage under a "special hazards" endorsement in the Gen Re coverage, or that at least the policy was ambiguous. The District Court, which had held the policy was unambiguous and ruled in favor of Gen Re, was overturned by a unanimous three-judge appeals court panel, which concluded the special hazards endorsement was ambiguous, and "susceptible to at least three different interpretations."

### Defense of attack on general partner

The firm'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 the firm'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 the firm'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

The firm'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 the 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

- Member, Worcester Economic Club
- Member, Worcester Young Businessmen's Association
- Board of Directors/Co-Chair of the Public Policy Committee, Rainbow Child Development Center
- Member, Holy Cross Lawyers Association
- Member, Holy Cross Club of Greater Worcester
- Member, Notre Dame Alumni Club of Boston
- Member, Massachusetts Bar Association

## PREVIOUS

- Past Member, Leadership Worcester Class of 2017
- Past Co-chair, Worcester County Bar Association's Civil Litigation Section
- 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

## HONORS

- *Best Lawyers in America: Ones to Watch*, for the fields of Commercial Litigation, Insurance Law, Litigation – Construction and Personal Injury Litigation – Defendants, (since 2022)
- Top Rated Business Litigation Attorney, *Super Lawyers Rising Stars* (2017-2023)

## 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

- [13th Annual Employment Law Update – Part 1](#), Bowditch & Dewey, February 1, 2022
- [“Will Traditional Business Insurance Policies Apply to Claims Related to the Coronavirus?”](#) Association of Corporate Counsel Northeast, April 7, 2020
- [“Deciphering Business Interruption Insurance in the COVID-19 Crisis,”](#) Massachusetts Continuing Legal Education, 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; Recipient of the University of Notre Dame Law School Dean’s Award for Trial Advocacy
- B.A., College of the Holy Cross