

ASSOCIATE

Patrick Capodilupo

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OVERVIEW

Patrick counsels clients on a wide range of complex commercial litigation matters in state and federal courts throughout the United States. His clients range from large corporations and financial institutions to mid-market portfolio companies to small local businesses.

In addition to a broad range of business litigation, Patrick has extensive experience representing clients in employment related disputes concerning restrictive covenants, trade secrets, recruiting, and other employment matters. His practice also includes representing broker-dealers and financial advisors in FINRA arbitration.

Prior to practicing law, Patrick spent several years working in public accounting and financial services. With his unique combination of business and legal expertise, Patrick places a particular emphasis on helping clients navigate the inherent tension between law and business to develop efficient solutions to legal challenges. Most recently, he counseled a client through lengthy and contentious business divorce litigation, ultimately negotiating a favorable settlement that gave the client sole ownership of the business and avoided dissolution.

Before Bowditch

Before practicing law, Patrick worked as an auditor in PwC's Boston private equity fund group, and later as the controller of a mid-market hospitality business in Chicago.

Besides work

When not practicing law, Patrick is usually golfing. He also enjoys the Cape, concerts and skiing.

EXPERIENCE

Commercial litigation

- On motion for discovery sanctions, obtained default judgment for complete damages and attorneys' fees for over \$1M on claims for breach of non-solicitation and confidentiality agreements against former insurance agent employees
- Thwarted former business partners attempts to extort \$1M extra-contractual retirement payouts from client, and negotiated favorable settlement of litigation on client's claims that former business partner was in breach of the company's stock repurchase, retirement, employment agreements, and MA unfair competition laws
- In high profile litigation with national insurance company's discontinuation of trail commissions, obtained settlement for

financial advisors in the amount of \$400K plus 100% of outstanding commissions

Employee transition litigation and FINRA arbitration

- Successfully defended against and prosecuted motions for preliminary injunction seeking to stop solicitation of wealth management and financial advisory clients
- Obtained orders compelling FINRA arbitration and dismissing court claims, including successfully defending the enforceability of arbitration provisions, in client's customer agreements in state and federal courts throughout the country
- Vigorously pursued claims for trade secret misappropriation and breach of fiduciary duty against former sales associate, and obtained \$200K settlement from individual
- In action against former employee of global product design company for breach of non-recruit agreement and misappropriation of trade secrets, obtained \$500K settlement and injunction prohibiting future recruitment of client's employees
- Obtained \$500K settlement against former insurance executive and his new company on claims for breach of fiduciary duty, trade secret misappropriation, and breach of non-recruit and confidentiality agreements relating to executive's taking of client's confidential information and recruitment of client's insurance team

Other experience

- Negotiated favorable bank financing terms for client's repurchase of retiring partner's shares in connection with favorable settlement of litigation
- Advised national bank's drafting of restricted stock unit and long-term award agreements with respect to restrictive covenant terms
- Advised client's repurchase of resigning partner's shares pursuant to terms of firm's stock agreement
- Successfully defended application for prejudgment attachment of client's personal assets in connection with FINRA arbitration claims

BAR ADMISSIONS

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

EDUCATION

- J.D., *cum laude*, Loyola University Chicago School of Law
- B.S., Boston College