PRACTICE

Business & Commercial Litigation

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OVERVIEW

Litigation must always be focused on protecting your business goals and strategies. We provide strategic counsel and aggressive representation for a range of business and commercial disputes, including complex, high stakes matters; “bet the company” cases; shareholder litigation; contract disputes; issues related to the sale and delivery of goods; and professional liability matters. Equipped with the resources and technology to handle large-scale litigation efficiently and effectively, our formidable trial lawyers have years of experience and a proven track record of achieving favorable settlements and verdicts for clients.

We know how to evaluate the situation, develop a strategy, and when necessary, try the case and win. Whether you are facing a high-stakes litigation matter or seeking to mitigate potential risks, we are here to support and protect your business interests. When matters must be brought to trial, our attorneys are zealous and effective advocates in the courtroom and have extensive experience in civil trials and appeals at both the state and federal level.

Our team is acutely aware of controlling costs and offer practical solutions while evaluating the use of innovative strategies against the expense of protracted litigation. Our objective is to find the best way to achieve our clients’ goals while providing unparalleled client service.

Our clients include businesses of all types, from Fortune 100 companies to local family businesses to start-ups. We possess in-depth knowledge of a range of industries, enabling us to provide nuanced and effective legal representation tailored to the specific challenges our clients face.

How Our Litigation Attorneys Can Help

- Complex contract disputes and business torts
- UCC claims
- Mergers and acquisitions litigation
- Bank and financial services litigation
- Compliance and regulatory matters

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- Unfair or deceptive practices
- Fiduciary, shareholder and partnership disputes, including business divorces
- Breach of fiduciary duty claims
- Business succession disputes
- Corporate governance disputes
- Derivative lawsuits
- Financial disputes, dividend issues and questions about returns on investment
- Internal investigations on behalf of boards of directors and committees of independent directors
- Creditors' rights and business bankruptcy
- Business crimes and government investigations, including mortgage and securities fraud, and white-collar defense
- Insurance disputes
- Product liability and complex torts
- Professional malpractice claims against accountants, architects, engineers, and other professionals
- Medical malpractice claims against doctors and other healthcare professionals
- Disputes over intellectual property, including trademarks, copyrights, and trade secrets

EXPERIENCE

- On motion for discovery sanctions, obtained default judgment for complete damages and attorneys' fees for over $1,000,000 on claims for breach of non-solicitation and confidentiality agreements against former insurance agent employees.
- Thwarted former business partners attempts to extort $1,000,000 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 $400,000 plus 100% of outstanding commissions.
- 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 $200,000 settlement from the individual.
- In action against former employee of global product design company for breach of non-recruit agreement and misappropriation of trade secrets, obtained $500,000 settlement and injunction prohibiting future recruitment of client's employees.
- Obtained $500,000 settlement against former insurance executive and his new company on claims

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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.

- 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.
- Obtained Summary Judgement in Federal Court (Nevada) for directors and officers of a Las Vegas real estate joint venture who were sued for $14,000,000 in alleged real estate brokerage commissions arising from a casino expansion project.
- Successfully defended the CFO of a privately held pharmaceutical company against claims of civil conspiracy and breach of fiduciary duty in an alleged corporate "freeze-out" lawsuit. After a two-week jury trial, plaintiffs voluntarily dismissed all claims against our client with prejudice for $0 just before our closing argument to the jury.
- After a two-week jury trial in the Superior Court Business Litigation Session, we obtained a declaratory judgement in favor of our client, a real estate developer, that he is the sole owner of a $7,500,000 commercial real-estate portfolio. The opposing party, our client's real estate broker, claimed 50% ownership in the property based on an alleged oral contract. The jury awarded our client $260,000 in damages and interest. We also persuaded the jury that the defendant's false corporate filings claiming ownership constituted an unfair and deceptive business practice, which resulted in an award of attorney's fees and triple damages to our client.
- Recovered a $6,000,000 settlement arising from the failure of a retail real estate development project in Northern New England.

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