

## PRACTICE

# Leasing

### KEY CONTACTS

Paul C. Bauer

T. 617-757-6535

E. [pbauer@bowditch.com](mailto:pbauer@bowditch.com)

### PARTNERS

[Paul C. Bauer](#)

[Katherine Garrahan](#)

[Samantha P. McDonald](#)

[Joshua Lee Smith](#)

### OF COUNSEL

[Randi K. Stempler](#)

### ASSOCIATES

[Joseph R. Duquette](#)

[Katherine A. Pham](#)

## OVERVIEW

Landlords and tenants, including nationwide corporations and retailers, depend on our leasing team to prepare and negotiate leases for both landlords and business tenants. Clients benefit from our extensive, start-to-finish knowledge of the leasing process.

Our leasing team, led by [Paul Bauer](#), an attorney with nearly 30 years of experience, assists with all stages of a transaction, including negotiating deal terms, overseeing due diligence, drafting contract and closing documents, and handling the closing. We do whatever needs to be done to finish the deal.

In addition, we assist our clients with reviewing title reports, surveys, covenants, easements, and environmental reports, as well as structuring sale-leaseback transactions and supporting and tracking site investigation and contingency deadlines.

### How we can help

- Office and factory
- Retail, including big box locations
- Transfer of leases
- Disaster planning
- Convenience stores
- Restaurants

## EXPERIENCE

### Resolution of commercial lease dispute

Our 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. We brought counterclaims on behalf of our client against the landlord. After an aggressive discovery process, we 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.

## Helping a new brewery get started

We drafted and negotiated a commercial lease agreement on behalf of a new brewery, ensuring language was included to allow the brewery to maintain possession of their fixtures once the lease was terminated. Clients are not always aware that many leases are written so that if they make any improvements to the space, the owner of the building can retain possession of the improvements/fixtures at the end of the lease. We wanted to ensure that our client would keep their expensive brewery equipment.

## Obtaining a preliminary injunction keeps a craft brewery in business

When a craft brewery in Massachusetts was told that it had violated its lease, it could have put them out of business and killed a key part of its town's revitalization. The dispute was over the presence of food trucks and live music. We prevailed at a preliminary injunction stage because the judge was persuaded by our client's real life story. We were aggressive in making our case, written and oral, and it was the right strategy, since a preliminary injunction has to meet a very high legal standard. Pending final resolution, our client is still operating...business as usual.

## OTHER EXPERIENCE

- Publicly-traded global pharmaceutical company in the negotiation of a 1.1 million square foot lease for office and laboratory space in Boston.
- Publicly-traded global pharmaceutical company with leases in Boston, London and San Diego (170,000 square foot, 10-year lease for a building in an office park).
- UMass and its affiliates in a variety of leasing and real estate matters related primarily to its Worcester campus and adjacent life science buildings.
- For a Massachusetts college, we drafted and negotiated a 95-year ground lease for development of an environmental center on a college campus and drafted and negotiated a construction contract for development of a new \$25 million facility.
- A nonprofit in the negotiation of solar power purchase agreements and leases of land for solar installations.
- Purchase, leasing and development of numerous gasoline station and convenience store sites throughout the Commonwealth for publicly-traded and private operators.
- Leasing and development of large-scale solar photovoltaic generation facilities in various communities, including consultation of one of the largest multi-community solar build outs in the state's history, with over 50,000 solar panels.
- National retail pharmacy in the successful litigation and settlement of real estate lease disputes in Massachusetts and New Hampshire.