

Massachusetts

GO TO Lawyers

Business Litigation 2022

MASSACHUSETTS
Lawyers Weekly

Letter from the Publisher



Dear readers,

Welcome to Massachusetts Go To Lawyers, a feature we debuted in 2020 to showcase leaders in the Massachusetts legal community by practice area.

For this list, we've chosen to focus on Business Litigation lawyers. The attorneys featured here were all nominated by their colleagues and chosen by a panel from Lawyers Weekly. We expect that some readers will argue that there are some excellent lawyers who should have been included. Let us know! And please nominate them for future Go To Lawyers lists. We look forward to featuring more outstanding Massachusetts attorneys in a variety of practice areas in 2023.

Susan A. Bocamazo, Esq.

Publisher

Massachusetts Lawyers Weekly

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MASSACHUSETTS Lawyers Weekly

Publisher
Susan A. Bocamazo, Esq.
Editor
Henriette Campagne
Special Sections Editor
Matthew Yas
Advertising Director
Renee Baldwin

Production Director
Bradley Redmond
Production Supervisor
Corey Edwards
Ad Designer
Michael Bertani

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Robert D. Cohan

Partner Cohan, Rasnick, Plaut

As a founding partner of Boston's Cohan, Rasnick, Plaut, Robert D. Cohan has more than 40 years of experience handling complex business disputes.

Unlike many other business litigators, Cohan handles his cases on a contingency fee basis, enabling him to serve businesses and stakeholders in actions that would otherwise be cost-prohibitive to the clients.

Most recently, Cohan was part of a team of attorneys that obtained a \$24.4 million jury verdict for a company whose chief operating officer resigned and was found to have breached his fiduciary duty while defaming the company.

In another big win for Cohan, he represented an electronic parts salesman who claimed he was wrongfully fired during a company takeover on the eve his stock would have been converted into the acquiring company's stock.

Following a trial in Worcester Superior Court, Cohan's client in that case was awarded \$3.26 million, representing one of the largest civil verdicts of 2011.

Cohan also obtained a \$2 million award for a former business owner who forced to close his pair of dollar stores after his Rhode Island bank allowed one of his employees to gain unauthorized access to the business's online account and



embezzle nearly \$500,000.

In addition, Cohan secured a \$1.2 million arbitration award for a regional commercial real estate brokerage against an international brokerage firm that contracted with Cohan's client to obtain local and worldwide real estate leads from New England-based firms and investors. The dispute arose when the international firm claimed the agreement was non-exclusive and that other local brokerages were free to poach Cohan's clients' deals in New England, depriving Cohan's clients of commissions.

Beyond his practice, Cohan is a sought-after speaker, having lectured at numerous Massachusetts Bar Association and Massachusetts Continuing Legal Education events. **MLW**

Achievements and Professional Activities

Past executive board member, Boston Inn of Court; past co-chair, Jewish National Fund's Lawyers for Israel; national co-chair, Spectacular Sunday telethon, Jewish National Fund's Lawyers for Israel; former assistant attorney general, Commonwealth of Massachusetts; lecturer, Business Litigation Conference, Massachusetts Continuing Legal Education; lecturer, New England School of Law

Juliet A. Davison

Founder Davison Law

Boston attorney Juliet A. Davison brings a broad litigation background and 25 years of experience to her clientele, representing individuals and companies in the trial and appellate courts, before agencies and in mediation and arbitration.

Davison has spent a significant part of her career defending employers and employees against claims involving the enforcement of non-competition and non-solicitation agreements, as well as other restrictive covenants, and claims for gender, race, disability and age discrimination.

She has also handled retaliation and sexual harassment claims, claims for violations of wage-and-hour laws, and federal Family Medical Leave Act claims.

Davison regularly advises employers and employees with respect to their legal rights and obligations and frequently represents clients in the drafting and negotiation of employment, termination and severance agreements. She has achieved six-figure settlements for numerous employee clients.

Beyond the employment sphere, Davison represents individuals, beneficiaries, executors, trustees and other fiduciaries in disputes concerning estates and trusts, including the management and administration thereof, the duties of fiduciaries and the interpretation of



trust and estate planning instruments.

Davison has additional experience in all aspects of business litigation, including shareholder disputes in closely-held corporations, partnership disputes, claims for breach of contract, misrepresentation, breach of fiduciary duty and claims for unfair and deceptive trade practices in violation of Chapter 93A.

In the summer of 2022, Davison prevailed on a Rule 12(b)(6) motion to dismiss all claims with prejudice in the Business Litigation Session of the Suffolk Superior Court.

In that case, the plaintiff alleged he was the sole owner of shares in a corporation that were issued jointly to him and his wife, whom Davison represented. The court found that Davison's client had an interest in the shares and dismissed the husband's claim. **MLW**

Achievements and Professional Activities

Member, Board of Governors, Tufts Medical Center; fellow, Boston Bar Foundation; member, Council of the Boston Bar Association; president, Massachusetts Chapter, Federal Bar Association; volunteer, Rosie's Place; volunteer, Hospitality Homes; trial advisor, Harvard Trial Advocacy Workshops (2008-2012)

Shepard Davidson

Partner Burns & Levinson

As partner and former co-chair of the Business Litigation Group at Burns & Levinson in Boston, Shepard Davidson has extensive experience in virtually all areas of business litigation, including complex business torts, contract claims, non-compete litigation and disputes involving closely-held businesses.

Davidson has tried numerous cases in various district courts, Superior Court and the U.S. District Court. He has also argued before the Appeals Court and Supreme Judicial Court, and has represented clients in numerous arbitrations and mediations.

Additionally, Davidson has also been certified as a mediator by the MCLE and uses his more than 25 years of experience as a litigator to help parties settle disputes without the need to engage in or continue with formal litigation or arbitration.

As a former All-American tennis player, Davidson's innate competitiveness has served his clients well. His accomplishments include preventing a radio talk-show host from going to a rival station in breach of his employment agreement; obtaining an arbitration award of more than \$2 million for an individual who



sued one of the world's largest financial institutions; and securing a preliminary injunction that precluded four former employees of an international software company from breaching their covenants not to compete with the company.

Davidson also obtained \$700,000 in damages for clients who sued a real estate developer for failing to complete their custom home in a timely manner.

Beyond his services to his clients, Davidson sits on the executive board at Burns & Levinson and is a frequent speaker at webinars and conferences. **MLW**

Achievements and Professional Activities

Fellow, Litigation Counsel of America; member, executive committee, Burns & Levinson; member, board of directors, Law Firm Alliance; member, American Bar Association; member, Massachusetts Bar Association; faculty, MCLE Contracts Conference (2016); faculty, MCLE Business Litigation Conference 2016; speaker, MCLE 12 Annual Business Litigation Conference (2013)

Derek B. Domian

Director Goulston & Storrs

Since the dawn of the millennium, Derek B. Domian has built a powerhouse business litigation practice at Goulston & Storrs.

Domian handles matters ranging from high-stakes commercial litigation and intellectual property disputes to high-profile real estate conflicts and professional liability litigation. Clients regularly seek him out for his ability to tackle and resolve the most complicated, messy disputes. He excels at disentangling even the most complex disagreements to develop a clear litigation strategy and real business solutions.

Significantly, Domian was front and center when COVID-19 hit almost three years ago, advising leading real estate developer clients like WS Development, New England Development and Boston Properties on novel, never-before-seen tenant, leasing and contractual relationship issues.

Though Domian spent significant time early in the pandemic advising clients how to resolve issues without litigation, a number of situations turned into full-blown litigation that are now winding their way through the courts. Many of those cases will set new precedents and redefine best practices in real estate law.

Domian also represents law firms and lawyers when they get sued for malpractice or conflict of interest. He started handling



this highly specialized work early in his career and now some of the largest law firms in the country want him by their side when financial and reputational stakes are high and losing is not an option.

While most of Domian's cases are confidential, he recently secured dismissal of multi-million dollar malpractice claims brought by a non-client against a major national law firm.

Domian also successfully represented America's Test Kitchen in a three-year, high-profile lawsuit to protect the food empire it built on magazines, cookbooks, TV and radio shows, online cooking schools and live shows after former CEO Christopher Kimball left to form a company and allegedly misappropriated ATK's trade secrets. **MLW**

Achievements and Professional Activities

Former chair, Corporate Commercial Litigation Section, Massachusetts Bar Association; member, training committee, Goulston & Storrs; member, pro bono committee, Goulston & Storrs; litigation work allocator, Goulston & Storrs; pro bono attorney, Haley House, Hopewell, Massachusetts Lawyers Clearinghouse and Veterans Legal Services

Jeffrey E. Francis

**Partner
Pierce Atwood**

Jeffrey E. Francis has successfully represented clients in complex commercial and intellectual property litigation matters throughout the U.S., with a particularly significant focus on technology disputes in the software, cloud computing, and consumer products and services industries.

The Pierce Atwood partner's practice includes litigation involving patent, trademark, copyright, and trade secret disputes; technology development and licensing; large-loss fire investigations, commercial property and business interruption insurance; and commercial disparagement, defamation and harassment.

Francis has successfully represented clients in disputes concerning trademark, trade secret, copyright, patent, unfair competition, employee lift-out, technology development programs and other complex commercial matters.

He has also represented numerous clients in connection with litigation, across the country and internationally, arising from catastrophic fire loss events.

Additionally, Francis has represented both companies and individuals in commercial disparagement, defamation, and harassment matters. These representations have included commercial disparagement matters brought against competitors in the consumer product and biotechnology industries.

Francis has tried numerous matters in courts in Massachusetts, New York, and Florida, and before the American Arbitration Association.

Of particular note, Francis secured one of



the largest jury verdicts in Massachusetts state court history. In that case, Francis represented LoJack, a maker of antitheft devices for automobiles, in a breach of contract suit against a company that agreed to develop circuits and assemblies for LoJack's wireless tracking devices. The devices didn't work and Francis's client sued for breach of contract.

The jury awarded Francis' client \$36 million dollars, though the trial judge subsequently reduced the size of the judgment.

He also represented a financial group in claims it brought against two investment advisors who, with approximately \$1 billion dollars under management, left the company for a competitor. Francis obtained a pre-arbitration injunction against the former employees prohibiting the theft or use of trade secrets, including client information. The matter resolved with an amicable settlement. **MLW**

Achievements and Professional Activities

Member, American Bar Association, Boston Bar Association, Patent Law Association and National Fire Protection Association

Stephen P. Hall

**Partner
Orrick, Herrington & Sutcliffe**

Stephen P. Hall of Orrick, Herrington & Sutcliffe in Boston is a trial lawyer and former certified public accountant who applies a business-minded approach to complex business disputes.

Using his experience leading an accounting department within a large private company, Hall combines his financial and legal knowledge with his ability to quickly assess complex business transactions to develop reasoned legal strategies that advance his clients' business objectives and keep them focused on their goals.

In addition, Hall's experience includes engagements as counsel and lead counsel in high-value commercial disputes, class actions, complex fraud schemes, false claims defense, unfair and deceptive business practices and executive-level employment matters for clients in life sciences, financial services, insurance, education, retail and transportation industries. He has particular knowledge and experience in assisting clients with internal investigations and analyses related to government enforcement actions, discrimination claims, and regulatory compliance matters.

Hall has secured several dismissals of lawsuits brought against multinational tech conglomerate Meta Platforms, Inc. on the East Coast and in southern states and which posed challenges to Meta's business model.



Hall is also a key team member on the Orrick team representing the NCAA in student-athlete health and safety litigation. Hall serves as one of the lead partners on the Indiana docket of cases against the NCAA, which is headquartered there.

In that role, Hall and Orrick are executing strategy and fighting for the future of college sports.

Beyond Hall's work for his Orrick clients, he is a leader in the bar, currently serving as president of the Boston Bar Foundation and having previously served as President of the Massachusetts Black Lawyers Association.

He also maintains a busy pro bono practice, handling criminal appeals involving factual innocence. **MLW**

Achievements and Professional Activities

Commissioner, Massachusetts Judicial Nominating Committee; treasurer and council member, Boston Bar Foundation; member, Associates Advisory Committee, Boston Lawyers Group; past president, Massachusetts Black Lawyers Association; recipient, Graduate of Last Decade Award, Suffolk University Law School; recipient, Pro Bono Recognition Award, Lawyers' Committee for Civil Rights and Economic Justice

Christopher A. Kenney

**Co-Founder
Kenney & Sams**

Christopher A. Kenney, co-founder of Kenney & Sams in Southborough, is a bar leader and accomplished litigator who has successfully tried cases and argued appeals before state and federal courts in Massachusetts and beyond.

Kenney served as the president of the Massachusetts Bar Association and the Federal Bar Association (Massachusetts chapter), and was the Director of the IADC Trial Academy at Stanford University Law School.

Kenney's practice focuses on advising and defending companies, organizations and individuals on contracts and agreements, construction and development, workforce management and product integrity and safety. He provides guidance on risk management, negotiation, mediation, arbitration and courtroom strategy.

Kenney represents both local and national clients, representing industries as diverse as real estate, construction, manufacturing, health care, pharmaceuticals, medical devices and food service. He also represents public officials and political candidates on election law and public policy matters.

Most recently, Kenney gained recognition for his work representing 9th District congressional candidate Helen Brady in a fight to get



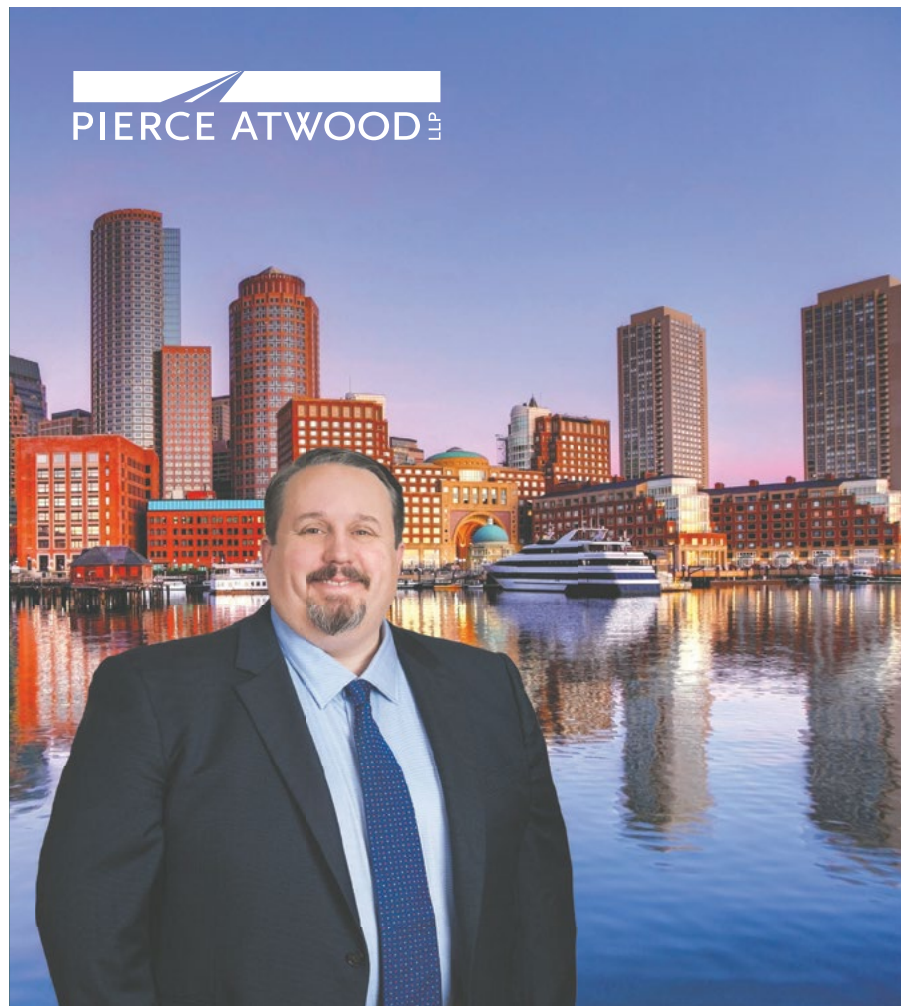
on the Republican primary ballot after a voter in the district challenged her nomination papers, alleging that her signature gathering did not comply with an SJC decision allowing for electronic signature gathering as an emergency measure in light of the pandemic.

Kenney took the case less than a week before Brady's expedited hearing before the state State Ballot Law Commission, the equivalent of a jury trial.

The commission ruled against Brady, but the SJC took up her case on direct appellate review, where Kenney convinced the court that if Brady didn't meet the exact technical requirements of the SJC's prior decision, she "complied in substance" with its "material requirements." **MLW**

Achievements and Professional Activities

Former president, Massachusetts Bar Association (2018-2019); president, Massachusetts Defense Lawyers Association (2006-2007); president, Massachusetts Chapter, Federal Bar Association (2009-2010); director, IADC Trial Academy (2018); chairman, Associated Builders and Contractors (Massachusetts chapter)



**Pierce Atwood congratulates
Jeffrey Francis on being named a
Massachusetts Lawyers Weekly
Go To Business Litigation Lawyer**

Stephen M. LaRose

**Partner
Nixon Peabody**

As leader of the Private Investment Fund Disputes Team at Nixon Peabody in Boston, Stephen M. LaRose regularly handles high-profile and high-dollar disputes involving private equity and hedge funds, corporate governance, partnerships, tax credit investments, financial services and more.

LaRose regularly represents businesses and individuals before the U.S. Securities and Exchange Commission in cases involving disclosure issues in municipal bond and other offerings, as well as before state securities regulatory bodies. He also represents private equity funds, hedge funds and managers and institutional investors in disputes over fund management and compliance issues, redemptions and valuation matters.

Additionally, LaRose works with Nixon Peabody's Tax Credit & Affordable Housing Investment Disputes practice group, helping clients protect their tax credit investments by resolving disputes between partners, resolving problems at the operating partnership level and attending to tax credit compliance issues.

LaRose's career highlights include achieving full dismissal of claims brought in U.S. District Court against his client, Wells Fargo banker Peter Cannava, who had been accused of aiding and abetting violations of securities laws in connection with former Red Sox pitcher



er Curt Schilling's former video game company, 38 Studios LLC.

He also obtained dismissal on behalf of several Aetna entities who had been sued by a knee replacement manufacturer for allegedly failing to provide coverage for a particular type of knee replacement device. The case is currently awaiting oral argument before the 1st U.S. Circuit Court of Appeals.

LaRose also obtained a multimillion-dollar judgment on behalf of a global travel company after a three-week trial. His client had brought the suit against an international software company over its allegedly unfair and deceptive business practices and breach of contract.

Beyond his practice, LaRose is active in his community and has served on a number of boards for charitable organizations. **MLW**

Achievements and Professional Activities

Leader, Private Investment Fund Disputes Team, Nixon Peabody; board member, A Better City; former advisor, Italian Home for Children; former member, board of directors, Little League Baseball; former member, scholarship committee, Joe Moakley Foundation

Jason A. Manekas

**Partner
Bernkopf Goodman**

In addition to his legal experience, Bernkopf Goodman partner Jason A. Manekas's background in business operations and strategy give him a unique insight into his clients' needs.

Manekas solves problems for individuals and businesses of all sizes faced with complex commercial, business, and real estate disputes and litigation.

He has resolved litigation, both in and out of court, that ranges from millions to hundreds of millions of dollars in value, including breach of fiduciary duty claims, contract disputes, landlord/tenant disputes, zoning appeals, and shareholder, derivative, and class actions, as well as matters relating to loan servicing and foreclosure. He is particularly experienced in resolving difficult title insurance claims and litigation.

Manekas has handled cases that have established favorable legal precedent on several occasions before the Supreme Judicial Court, and he has also successfully advocated before the New Hampshire Supreme Court and the 1st U.S. Circuit Court of Appeals.

Manekas convinced the SJC to abrogate the "in for one, in for all" rule regarding title insurance in Massachusetts. That rule is used to force liability insurers to defend their



insureds against every count in a complaint, even when only one count arguably contains a covered claim or could conceivably trigger the duty to indemnify. The SJC's decision in this case clarified that the "in for one, in for all" rule applies to general liability insurance but does not apply to title insurance.

In another case, Manekas persuaded the SJC that his client, a national title insurance company, had no duty to defend a bank against a third-party suit brought by a residential borrower seeking to rescind her mortgage because the mortgage was obtained via a predatory lending scheme. In so ruling, the SJC rejected the bank's argument that courts should apply the same broad standard for determining a title insurer's duty to defend as it does for general liability insurers. **MLW**

Achievements and Professional Activities

Member, Executive Committee, Bernkopf Goodman

MAKING AN IMPACT

Congratulations to our partner, **Stephen LaRose**, chosen by *Massachusetts Lawyers Weekly* as a **2022 Go-To Lawyer** for business litigation.



Stephen LaRose
Partner



Nixon Peabody LLP
Exchange Place, 53 State Street
Boston, MA | nixonpeabody.com

**Advocate.
Advisor. Friend.**

We congratulate our colleague and friend, Gary Matsko, on being named a Go To Business Litigation Lawyer by *Mass Lawyers Weekly*.

We proudly celebrate this well-deserved recognition.



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One Boston Place, 37th Floor | Boston, MA
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Lean. Agile. Strategic. That's **Davis Malm**.

Gary S. Matsko

Shareholder Davis, Malm & D'Agostine

Gary S. Matsko, a trial attorney and partner with Davis, Malm & D'Agostine in Boston, has amassed a wealth of experience representing individuals and businesses in civil litigation and before regulatory agencies, including the U.S. Securities and Exchange Commission.

Matsko represents parties in actions throughout New England, in several U.S. federal courts and in arbitration proceedings.

He has litigated cases involving claims arising from business sales and acquisitions, securities, employment disputes, shareholder disputes, environmental matters and other business matters.

Matsko's prior roles as enforcement branch chief for the New England Region of the SEC and as legal assistant to an SEC Commissioner taught him to look beyond the obvious solutions to service clients creatively and thoroughly.

Among Matsko's signature accomplishments was a matter in which he represented a former top-tier executive of a mutual fund complex in an SEC enforcement action involving intentional fraud claims.

The case involved complex fund accounting issues and was based on an extensive investigative record. Through a thorough dissection of the investigative record, and follow up depositions in the enforcement proceedings, Matsko was able to demonstrate that witnesses who served as the basis of key allegations in the complaint had not been truthful and were con-



tradicted by statements and other documents in the investigative record.

Matsko detoured from the litigation path and made a mid-case Wells submission to the SEC staff, demonstrating the issues with the allegations. The submission and face-to-face presentation led to a favorable disposition.

Due to Matsko's efforts and intense negotiations, he obtained a rare dismissal by the SEC of all counts that required proof of intentional misconduct. With the intentional counts eliminated, Matsko was able to procure a favorable settlement.

Another of Matsko's career highlights was his securing a jury verdict worth approximately \$6 million for a NYSE-listed company after a three-week trial in Delaware Superior Court in a breach of contract action. **MLW**

Achievements and Professional Activities

Former Enforcement Branch Chief, New England Region, U.S. Securities and Exchange Commission; member, Executive Committee, Davis, Malm & D'Agostine (2003-2012); member, Securities Litigation Committee, Boston Bar Association

Susan D. Novins

Founding Partner Wilchins, Cosentino & Novins

Susan D. Novins, founding partner of Wilchins, Cosentino & Novins in Wellesley Hills, is a seasoned litigator who focuses her practice on employment law, business law and medical malpractice. She represents individuals and businesses of all sizes throughout New England.

Prior to the formation of her firm and its predecessor, Novins served as general counsel of two publicly traded consumer product companies. In that capacity, Novins handled all litigation, regulatory compliance, contract and licensing negotiation and drafting, in addition to advising the board of directors.

Novins began her law practice at a Boston firm where she specialized in complex multi-party tort litigation, representing major auto manufacturers and insurers.

During her career, Novins has worked with clients to achieve multi-million-dollar verdicts and settlements in cases ranging from complex multi-party litigation to corporate disputes and malpractice matters.

Novins has also had advised corporations and executives with respect to all aspects of employment matters including negotiating offer letters, equity positions, separation agreements and representing clients before the Massachusetts Commission Against Discrimination.

Novins obtained a \$950,000 settlement of a



minority shareholder claim against a corporation and management board for breach of contract and breach of fiduciary duty following a wrongful termination.

On the employment litigation front, Novins' defense of employers has led to findings of no probable cause and dismissal of MCAD complaints alleging harassment and discrimination.

Novins also secured a \$1.4 million settlement of a legal malpractice claim against a corporation's former attorneys arising from improper tax advice regarding the tax implications of converting to a different corporate form.

She also obtained a \$500,000 settlement in a legal malpractice claim against a law firm that engaged in conflicted joint representation of clients adverse to each other. **MLW**

Achievements and Professional Activities

Trustee, Lincoln Wharf Condominium; panelist, Newton-Needham Chamber of Commerce Panel on Data Security and Wire Fraud; panelist, Boston University Law School, Smaller Firm Practices Panel; speaker, Boston Estate Planning Council; Speaker, Massachusetts Insurance Industry Annual Meeting

CONGRATULATIONS, JASON A. MANEKAS Bernkopf

Bernkopf's attorneys and staff are exceptionally pleased to join Massachusetts Lawyers Weekly in recognizing Jason Manekas as a Go To Lawyer.



Bernkopf
Two Seaport Lane, Boston, MA 02210
617-790-3000
bernkopfllegal.com

Allison M. O'Neil

**Partner
Locke Lord**

As the co-chair of Locke Lord's White Collar Defense and Investigations Practice Group, Allison M. O'Neil leads a team of more than 20 lawyers representing clients facing False Claims Act investigations and FCPA investigations, as well as internal investigations related to employment matters and compliance, among other matters.

O'Neil focuses her own practice on employment law, commercial litigation and white collar criminal defense. She brings nearly 20 years of experience in the litigation of employment issues, business torts, contract disputes and fiduciary duty claims arising in closely held companies and partnerships.

O'Neil is particularly proud of the time she spent serving as a Middlesex County ADA in the Child Abuse Unit, where she prosecuted a wide variety of matters, including rape, fraud and civil rights cases in Superior Court.

Notably, O'Neil was a member of the prosecution team that tried and convicted John Geoghan, a defrocked priest, for child abuse.

Some of O'Neil's more recent representations include leading an independent investigation into sexual misconduct at The Hotchkiss School, an elite boarding school in Connecticut.



She also represented a large healthcare company in the attorney general's investigation into a whistleblower's false claims act allegations that resulted in no action taken by the state.

Additionally, O'Neil represented witnesses in a federal False Claims Act investigation with no action taken against the witnesses, as well as an individual in a complex business dispute with a former venture capital firm that specialized in early and late-stage life sciences investing.

The latter case involved issues of fiduciary duty, fraud, accounting and breaches of contract. O'Neil obtained full dismissal of all claims against the individual and an award in the client's favor valued at more than \$15 million. **MLW**

Achievements and Professional Activities

Co-chair, White Collar and Internal Investigations Practice Group, member, Executive Committee and co-chair, Women's Initiative, Locke Lord; former assistant district attorney, Middlesex County; board member, Emerald Necklace Conservancy; fundraising volunteer, Museum School at the Museum of Fine Arts, Boston

Seth B. Orkand

**Partner
Robinson & Cole**

As co-chair of Robinson & Cole's Government Enforcement and White-Collar Defense Team, Seth B. Orkand leads a practice focused on white-collar criminal defense, government enforcement matters and corporate internal investigations.

Orkand handles research misconduct investigations, college and university disciplinary actions, and complex commercial litigation.

In addition, Orkand has a successful history handling civil and criminal litigation concerning allegations of health care fraud and violations of the False Claims Act, Anti-Kickback Statute and the Eliminating Kickbacks in Recovery Act. He also handles matters involving off-label marketing, securities enforcement, government contracting fraud, computer and Internet crimes and antitrust matters.

Orkand has further developed a substantial practice advocating on behalf of college and university students, staff and faculty who were either survivors of sexual assault or accused of academic or sexual misconduct on campus. His training as a Title IX investigator makes him uniquely positioned for such work.

Orkand is a member of the firm's Business



Litigation Group and the Internal Investigations and Corporate Compliance Team. His clients include individuals in high-stakes complex commercial disputes. He represents corporations, officers and directors in class action lawsuits and defending against allegations of fraud and employment law violations.

He represented the managing partner of a hedge fund accused of wire fraud in concurrent civil, regulatory, administrative, and criminal matters.

Orkand also led a large team of associates in the representation of a Japanese automotive parts manufacturer in a criminal antitrust investigation and follow-on civil litigation. **MLW**

Achievements and Professional Activities

Co-chair, Government Enforcement and White-Collar Defense Team, Robinson & Cole; member, Standing Committee on Pro Bono Legal Services, Supreme Judicial Court; member, Steering Committee on White Collar Criminal Defense, Boston Bar Association; former assistant U.S. attorney, District of Massachusetts; former special assistant district attorney, Middlesex District Attorney's Office

Jennifer L. Parent

**Director
McLane Middleton**

Jennifer L. Parent has more than 25 years of experience litigating and resolving disputes for companies and business owners in a wide range of complex commercial cases and employment matters.

Parent has litigated in state and federal courts in both New Hampshire and Massachusetts, representing companies in business litigation involving contracts, tortious interference, unfair competition, shareholder, real estate, tax abatement, eminent domain, leases, misrepresentation and other business disputes.

Additionally, Parent has represented employers in the areas of employment discrimination, executive termination, retaliation, harassment, wrongful termination, contract, defamation, wages, trade secret, non-competition and non-solicitation disputes.

Parent has also represented companies in employment, tax abatement and eminent domain matters at the administrative or agency level and conducted workplace trainings and discrimination/harassment investigations. She is also a trained mediator with extensive experience in alternative dispute resolution.

Some of Parent's notable achievements include obtaining affirmation of a trial court's grant of a client's motion to dismiss based on statute of limitations. On an issue of first im-



pression, the New Hampshire Supreme Court held that the doctrine of nullum tempus occurrit regi ("time does not run against the king") did not apply to contract actions brought by municipalities.

She also represented a couple against the town of Sandwich, N.H. After a two day trial, the court found that the town had violated the state "right to know law." The court awarded attorney fees and costs and ordered the town's boards and individuals to undergo remedial training.

Parent also handled an 11-day jury trial in a claim of sexual orientation and gender discrimination, obtaining a defense verdict on behalf of her client. **MLW**

Achievements and Professional Activities

Director, Litigation Department and chair, Business Litigation Practice Group, McLane Middleton; recipient, Outstanding Alumni Service Award, Suffolk University Law School; fellow, American College of Trial Lawyers; former president, New Hampshire Bar Association; former president, National Conference of Bar Presidents; chair, Board of Trustees, Palace Theatre, Manchester, N.H.; secretary, New Hampshire Business Committee for the Arts

**MCLANE
MIDDLETON**

FOUNDED IN 1919

**CONGRATULATIONS
JENNIFER PARENT**



Director in McLane Middleton's
Litigation Department

Massachusetts Lawyers Weekly
Go To Business Litigation Lawyer

McLane.com

WOBURN, MA / BOSTON, MA

MANCHESTER, NH / CONCORD, NH / PORTSMOUTH, NH

Mark W. Pearlstein

**Partner
McDermott, Will & Emery**

Mark W. Pearlstein, a partner with McDermott, Will & Emery in Boston, concentrates his practice on white-collar criminal defense, the defense of actions brought by the U.S. Securities and Exchange Commission, complex commercial litigation, arbitration, and internal investigations.

In that capacity, Pearlstein represents clients before courts and government agencies throughout the United States, and has extensive experience handling healthcare cases.

One of Pearlstein's signature accomplishments was his successful defense of a pharmacist charged with RICO, mail fraud and Food, Drug and Cosmetics Act charges. Following a two-month trial in late 2018, Pearlstein's client was acquitted of all charges.

In April 2020, Gov. Charlie Baker appointed Pearlstein to conduct an independent investigation of the COVID-19 outbreak at the Holyoke Soldiers' Home. The report by Pearlstein and his team resulted in a number of policy and personnel changes at both the home and in state government. The "Pearlstein Report" formed the basis for legislation introduced by Baker to reform the home and its oversight.

Pearlstein also has substantial experience in complex commercial litigation and arbitration. He has tried a number of civil cases, including the Massachusetts Port Authority's successful challenge to an injunction



prohibiting the construction of a new runway at Boston's Logan Airport.

Before joining McDermott, Will & Emery, Pearlstein was a federal prosecutor in the U.S. Attorney's Office. He served as chief of the office's Economic Crimes Unit from 1994 to 1996, and was the first assistant U.S. attorney from late 1996 until 2000. In that role, he supervised the Civil and Criminal Divisions.

Pearlstein served as acting U.S. attorney responsible for negotiating what was then the largest resolution of a healthcare fraud case. He was also a member of the U.S. Department of Justice working group responsible for promulgating Federal Prosecution of Corporations, the set of guidelines that governs prosecutorial decisions regarding corporations, and received numerous awards for his work. **MLW**

Achievements and Professional Activities

First Assistant U.S. Attorney, U.S. Attorney's Office, Boston (1996-2000); chief, Economic Crimes Unit, U.S. Attorney's Office, Boston (1994-1996)

Jack W. Pirozzolo

**Partner
Sidley Austin**

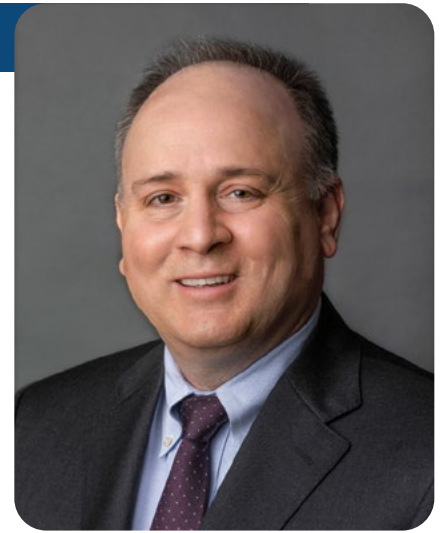
Through his extensive experience with both federal law enforcement and private practice, Jack W. Pirozzolo of Sidley Austin has developed a distinct set of legal skills that crosses the spectrum of white collar criminal enforcement, regulatory enforcement and litigation.

Pirozzolo joined the Boston firm after a 10-year career in the U.S. Attorney's Office for the District of Massachusetts, the last five years of which he served as the First Assistant U.S. Attorney.

Pirozzolo has developed deep experience handling complex disputes, investigations and crisis management situations. His practice places a particular emphasis on issues affecting hedge funds, private equity firms and firms involved in the financial services, healthcare and life sciences industries.

Since his arrival at Sidley in 2014, Pirozzolo has represented companies and individuals before U.S. Attorneys' Offices, the U.S. Department of Justice, the Securities and Exchange Commission, the Attorney General's Office and state securities regulators.

He has secured declinations for organizations and individuals in several matters before those governmental agencies and has also conducted several internal investigations and routinely provides compliance advice to his clients. Pirozzolo



also has an active litigation practice, regularly appearing as lead counsel before federal and state trial and appellate courts around the country.

Since joining Sidley, Pirozzolo has handled several multimillion dollar matters before federal and state courts, including the representation of an accounting firm in a breach of fiduciary duty and a malpractice claim brought by author Patricia Cornwell. In that case, Pirozzolo secured a judgment vacating a jury award of \$50 million and ordering dismissal in part and new trial in part.

He also represented taxpayers in a \$50 million gift tax dispute, securing remand to the U.S. Tax Court, where he is representing taxpayers in ongoing litigation. **MLW**

Achievements and Professional Activities

Leader, Pro Bono Program in Boston, Sidley Austin; member, Regional Advisory Group 1, American Law Institute; member, Massachusetts Advisory Council, New England Legal Foundation; former member, Rules Advisory Committee, 1st U.S. Circuit Court of Appeals; former first assistant U.S. attorney, U.S. Attorney's Office, Boston

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WORLDWIDE LOCATIONS

- United States
- Europe
- Middle East
- Asia
- Latin America

David G. Thomas**Shareholder
Greenberg Traurig**

David G. Thomas, co-chair of the Litigation Group at Greenberg Traurig in Boston, is a litigation, trial and appellate attorney who focuses practice on defending companies against unfair or deceptive business practices claims in individual and putative class action settings.

Thomas defends manufacturers and retailers facing false advertising claims arising from alleged violations of federal and state consumer protection statutes like the Federal Trade Commission Act and Chapter 93A.

He also represents lenders, mortgage brokers and servicers facing predatory lending and unfair servicing claims arising out of the Truth in Lending Act (TILA), Real Estate Settlement Procedures Act (RESPA) and state laws governing consumer financing and mortgage loan servicing.

Additionally, Thomas defends healthcare clients and other entities accused of submitting false claims to the government or governmental payors, companies accused of violating the federal Telephone Consumer Protection Act, and state-law equivalents and both companies and individuals accused of misappropriating or divulging confidential intellectual property like trade secrets, customer lists, and other protected information.

Among Thomas' signature accomplishments is his handling of a Chapter 93A case arising from the construction of a wastewater treatment plant on Martha's Vineyard. He obtained a de-



fense verdict on behalf of the subcontractor he was representing while obtaining a judgment against the prime contractor. He also successfully defended both the verdict and the judgment on appeals.

He also defended an employer in a case addressing whether Massachusetts employers would face liability under the Wage Act if they closed without giving required notice under the federal Warn Act. The case addressed whether creditors could bring a derivative claim against officers for allowing a company to violate the Warn Act.

Thomas obtained dismissal of claims in Superior Court and successfully defended the result before the Supreme Judicial Court. Three amicus briefs were submitted in support of his client's position in the case, given the risks a contrary finding would have posed for Massachusetts employers. **MLW**

Achievements and Professional Activities

Co-chair, Boston Litigation Group, Greenberg Traurig; member, American Bar Association, Massachusetts Bar Association; Massachusetts Association of Trial Lawyers

Daniel V. Ward**Partner
Ropes & Gray**

Boston attorney Daniel V. Ward, a partner in Ropes & Gray's litigation and enforcement practice, brings his clients a wealth of experience in securities and corporate governance litigation, commercial litigation and arbitration on behalf of public and private companies and financial institutions.

Ward also handles securities enforcement and real estate investigations. He serves as a trusted counselor to CEOs, boards of directors and company leadership while serving as a leading ERISA practitioner as well, and has defended life sciences companies in high-profile securities litigation in Massachusetts courts and before the 1st U.S. Circuit Court of Appeals.

Meanwhile, Ward has guided clients through an array of complex legal issues and disputes, winning significant decisions in state and federal court as well as in the Delaware Court of Chancery.

Among Ward's signature accomplishments is his representation of a private equity sponsor in expedited \$2 billion merger litigation in the Delaware Court of Chancery concerning the application of a "material adverse event" clause in light of a public company's performance during the COVID pandemic.

Along similar lines, Ward represented a private Delaware limited liability company in a corporate governance dispute among board members and the founder regarding



claims of wrongful termination and fraud.

On the commercial litigation front, Ward served as counsel to a leading biotech company before the London Court of International Arbitration in a matter concerning COVID-19 vaccine distribution. He also served as counsel to public technology company in a AAA commercial arbitration concerning a \$100 million claim for earnout payments allegedly due under a purchase agreement.

Ward has further served as counsel to numerous public companies, private fund managers and other investment advisers in connection with FINRA inquiries, SEC examinations and enforcement matters, including responses to deficiency letters and investigative subpoenas involving a range of issues including accounting fraud and fund management fees. **MLW**

Achievements and Professional Activities

Co-leader, ERISA Practice, Ropes & Gray; former member, board of directors, empowerHER; pro bono attorney, international child custody and political asylum proceedings

Erik W. Weibust**Partner
Epstein, Becker & Green**

Erik W. Weibust, a partner with Epstein, Becker & Green in Boston, advises many of the world's leading pharmaceutical, biotech, medical device, technology, financial services, staffing and insurance companies on how best to protect their trade secrets and customer relationships from misappropriation by former employees, ex-business partners, competitors and hostile actors in the U.S. and abroad, while also advising them on how to avoid liability when hiring from competitors.

Clients rely on Weibust for aggressive representation in litigation, where he has won substantial victories both in court and at the negotiating table, including broad-reaching injunctive relief and multimillion-dollar payouts in trade secret misappropriation, unfair competition and breach of restrictive covenant cases.

In addition to his trade secret and restrictive covenant practice, Weibust represents clients in such commercial litigation matters as franchise, distribution and real estate disputes. Weibust also has substantial case management experience from the early stages of litigation through the appeals process, including investigations, discovery, mediation, and trial and arbitration, as well as litigation avoidance.

Specific cases and projects for Weibust include representing a publicly traded Chinese



biopharmaceutical company in connection with high-profile civil and criminal trade secret litigation in federal court in California.

Similarly, Weibust represented a Fortune 500 medical device manufacturer and a top-performing sales representative in an action brought by a competitor for an injunction prohibiting the sales representative from working in a competitive role anywhere in his former sales territory for one year.

He also successfully defeated a motion for a preliminary injunction that would have prohibited two financial advisors who managed a combined \$1 billion in client assets from moving their business from a high-end boutique wealth management firm to one of the oldest and largest wealth management firms in the world. **MLW**

Achievements and Professional Activities

Co-chair, Restrictive Covenants/Tortious Interference Sub-Committee of the Business Torts & Unfair Competition Committee, American Bar Association; chair, Trade Secrets Law Committee, American Intellectual Property Law Association (AIPLA); member, State Advisory Board, Best Buddies Massachusetts; co-chair, Trade Secret Committee, Boston Patent Law Association (BPLA); co-host, Spilling Secrets podcast

Christopher Weld Jr.**Partner
Todd & Weld**

Christopher Weld Jr., founding partner of Todd & Weld in Boston, has more than 30 years of experience in business litigation, arbitration and dispute resolution.

Weld has achieved favorable results for clients through trials, arbitrations, mediations and negotiated resolutions. His cases have been widely varied, but generally have the common thread of presenting a business dispute with vigorously contested issues of substantial value.

Weld's specific representations include the trial of a partnership dispute involving complex valuation of commercial real estate. The dispute was ultimately resolved in favor of his clients both at the trial level and before the Supreme Judicial Court.

Weld also assisted a joint venture in the negotiation of tens of millions of dollars of change orders on the Big Dig construction project in Boston without ever filing suit.

Weld also represented a six-state New England class in a class action against Goodyear Tire and Rubber Company arising out of a defective radiant heating hose.

In that case, acting as class counsel for the national class, Weld helped negotiate and obtain court approval for a national settlement with Goodyear valued at approximately \$320 million.

Additionally, Weld has substantial expe-



rience representing partners, shareholders, limited partners and individuals in connection with closely held corporate disputes, general partnership disputes, limited partnership disputes and the breakup of business entities of all types.

Weld's practice further includes intellectual property litigation, claims involving commissions and employment issues as well as probate litigation. He has also been involved in several eminent domain cases of significance representing plaintiffs.

Over the past 14 years, Weld has handled several major lawsuits on behalf of the Massachusetts Housing Finance Agency involving complex issues of public finance and with significant potential exposure to the agency. **MLW**

Achievements and Professional Activities

Founding partner, Todd & Weld; fellow, American College of Trial Lawyers; co-author/presenter, Construction Lien Law in Massachusetts (2000, 2001); chairman, board of directors, Project Adventure, Inc., Beverly; board member/president, Manchester Essex Scholarship Fund; trustee, Donald A. Towle Foundation; trustee, J. Owen Todd Charitable Foundation

Jeremy Y. Weltman

Shareholder Ruberto, Israel & Weiner

Jeremy Y. Weltman, a shareholder and a member of the litigation department at Ruberto, Israel & Weiner in Boston, has a wide-reaching litigation practice representing individuals and companies across a range of industries including hospitality, real estate, construction, healthcare, restaurant and retail.

His direct civil and commercial litigation experience includes handling complex commercial and business litigation, employment litigation, Wage Act litigation, probate litigation, real estate disputes, construction matters and civil rights litigation, including ADA accessibility and accommodation issues.

Additionally, Weltman takes on high-impact class action work, municipal disputes, appellate advocacy, and other tort-based litigation matters.

In that capacity, Weltman has litigated and negotiated disputes for a wide range of clients including Fortune 500 corporations, mid-sized and small businesses, dental and other professional offices, property owners and developers, condo associations, contractors, insurers and disenfranchised individuals. He has successfully tried cases in both the Massachusetts and New Hampshire state and appellate courts, briefed and argued matters in the U.S. District Courts and U.S. Circuit Courts of Appeals, and represented clients in alternative forms of dis-



pute resolution with favorable results.

Notably, Weltman has also earned a strong reputation for protecting the civil rights of the disabled and victims of discrimination. He aggressively pursues the rights of the disenfranchised, both on an individual and class-wide basis, in civil rights infringement cases brought against government institutions and the private sector in federal and state courts.

In the past five years alone, Weltman has successfully tried a half-dozen jury trials on business issues while arguing two separate cases of first impression to the Appeals Court that resulted in favorable case law.

He has also successfully litigated numerous shareholder dispute matters for closely held LLCs to board-level size companies. **MLW**

Achievements and Professional Activities

"Top 40 Under 40 Attorney," Massachusetts Litigation, American Society of Legal Advocates; neutral, American Mediation Agency Neutral & Dispute Association (AMANDA); co-president, Angier Elementary School PTO; volunteer, Cradle to Crayons; member, Boston Bar Association; member, Massachusetts Bar Association

U. Gwyn Williams

Partner Latham & Watkins

U. Gwyn Williams, leader of the product liability, mass torts and consumer class actions litigation practice at Latham & Watkins, has nearly three decades of experience in a comprehensive range of state and federal courts across North America.

Williams's clients include manufacturers of retail products, including cigarettes, industrial products and a wide range of pharmaceuticals and medical devices, as well as financial services companies.

She has handled complex, multi-defendant, and class action cases in nearly every combination of venues, including state and federal trial and appellate courts and administrative agencies across the United States and Canada.

Williams also regularly advises private equity firms and operating companies on diligence and liability risk assessment in the context of corporate transactions, including asbestos-related risk. She draws on her litigation experience across industries to counsel clients on product warnings, risk management, disclaimers of warranties and indemnification strategies.

Williams uses her experience to help clients navigate particularly complex cases, often coordinating or collaborating with multi-defendant legal teams across jurisdictions. As clients pursue changing business objectives throughout the course of long-running litigation, Williams



carefully calibrates litigation strategy and joint defense positions accordingly.

Among Williams's representations is her representation of UnitedHealth, one of the world's largest managed healthcare and insurance companies in ongoing litigation brought by various medical groups that provide staffing for emergency rooms. Plaintiffs allege that United routinely underpays on such out-of-network emergency services claims, and are pursuing implied contract, unjust enrichment, and RICO claims.

Williams is also representing American Airlines in major class action lawsuits relating to checked baggage fees. Most recently, just weeks before the scheduled trial, the airline reached a favorable settlement concerning allegations that it failed to honor free luggage promises for certain customers. **MLW**

Achievements and Professional Activities

Leader, Product Liability, Mass Torts and Consumer Class Actions Litigation Practice, Latham & Watkins; member, global steering committee, Women Enriching Business (WEB) Initiative, Latham & Watkins; special assistant attorney general, Commonwealth of Massachusetts; member, board of trustees, Hotchkiss School

Congratulations to our colleague Jeremy Weltman on his selection as a Massachusetts Lawyers Weekly Go To Business Litigation Lawyer 2022

Jeremy's business litigation practice focuses on complex commercial disputes from across the business cycle for a variety of clients, including small to midsize businesses and Fortune 500 corporations.

Jeremy has earned a strong reputation for successfully counseling business clients through first impression real estate disputes, land use litigation, shareholder/fiduciary duty claims, employment issues, high-impact class action litigation and other business-related torts.



RUBERTO, ISRAEL & WEINER

Jeremy Weltman | jyw@riw.com
255 State St. 7th Floor | Boston, MA 02109
T: 617.742.4200 | F: 617.742.2355
www.riw.com





LATHAM & WATKINS^{LLP}



We congratulate our colleague and friend

Gwyn Williams

for being selected as a 2022
Go To Business Litigation lawyer

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Latham & Watkins delivers innovative solutions to complex legal and business challenges around the world. From a global platform, Latham lawyers advise leading multinationals, boundary-pushing start-ups, and the investors and financial institutions that fuel them. The firm helps clients navigate market-shaping transactions, high-stakes litigation and trials, and sophisticated regulatory matters. Latham is one of the world's largest providers of pro bono services, steadfastly supports initiatives designed to advance diversity within the firm and the legal profession, and is committed to exploring and promoting environmental sustainability.