

SERVICE

Litigation



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As trial attorneys, we resolve the most contentious problems our clients face, as efficiently as we can. We do so before trial, if possible, or at trial, if necessary. Posternak lawyers enjoy trying cases and regularly litigate a wide range of disputes for businesses and individuals. We regularly try cases in courts within the Commonwealth of Massachusetts and in many other states. We encourage our clients to take an active role in the resolution of their cases. We believe that our clients ought to be involved in all significant aspects of a case and that a knowledgeable client's input is critical to a successful outcome.

Our business trial attorneys litigate disputes involving contracts of all types, close company and shareholder fights, intellectual property issues, breaches of non-compete obligations, claims of employee misclassification, the logistics industry, real estate transactions, regulatory and non-regulatory health care concerns, environmental claims, bankruptcy proceedings, and many other kinds of commercial matters. Our employment attorneys navigate clients through the maze of statutory and non-statutory constraints on implementing employment decisions. Where necessary, they also represent clients against charges of discrimination before administrative agencies and courts.

Posternak is counsel of choice for the defense and trial of legal malpractice and other complex professional liability and errors and omissions cases. Posternak attorneys also have argued many of the most significant appellate decisions in legal malpractice and other professional liability areas. In addition to defending insureds, we regularly act for insurers as coverage counsel and as trial and appellate counsel in coverage and bad faith litigation. Posternak also handles the defense of complex product liability disputes, including cases arising out of the use of advanced medical devices.

EXPERIENCE

- Multimillion-dollar jury verdict in favor of shareholder of close corporation against

majority owner and company.

- Successfully defended national law firm in complicated malpractice case arising out of bankruptcy of its former client.
- Trial victory, affirmed by the US Court of Appeals for the Ninth Circuit, in favor of a logistics client in an interference with contractual relations, non-compete, and unfair competition case.
- Represented major Boston-area real estate developer in trial with business partners involving mixed-use development.
- Prosecuted, in the federal court in Los Angeles, claims on behalf of the nation's largest distributor of satellite television services involving the most critical aspects of the client's distribution agreement.
- Represented a major consumer products manufacturer in arbitration, in Chicago, challenging the client's warranty responsibilities for millions of dollars of product.
- Successfully defended complicated multiparty easement dispute in Massachusetts Land Court involving a nine-figure development project.
- Defended a health care client in a case, tried in the Miami federal court, alleging damages arising from the client's decision not to close on the purchase of a "turn-key" skilled nursing facility.
- Successfully prosecuted Dover Amendment case against local community for major nonprofit museum, resulting in multimillion dollar project approval.
- Successfully defended state False Claims Act case commenced against client by Massachusetts Attorney General and associated breach of contract action by state agency.
- Defended several environmental consulting firms against claims alleging errors and omissions in site assessments and remediations.
- Defeated an appeal by an abutter, a supermarket chain, from a decision in favor of our developer client allowing it to build a shopping center on Cape Cod with a rival supermarket as the anchor tenant.
- Successfully defended employers against claims they misclassified their delivery drivers