

SERVICE

# Business Litigation



## ATTORNEYS

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Some businesspeople see litigation often enough it truly is just a (significant) cost of doing business. Most businesspeople, however, only rarely need a court to resolve their disputes. We understand the business, financial, time, and emotional costs of litigation, as well as how to try and win commercial disputes. Posternak attorneys enjoy trying cases for our business clients in courts, in arbitrations, and before government agencies and administrative tribunals. Our business litigation clients range from international corporations to sole proprietors. We handle disputes relating to contracts, intellectual property rights, close corporations and shareholder rights, real estate and environmental issues, unfair business practices, non-competition covenants, employment relationships, securities transactions, regulatory and export control matters, and many other commercial concerns.

We also understand how important and demanding any litigation is to our business clients and their key personnel. Our clients value regular, clear communication about goals and progress toward goals. We seek always to exceed those expectations.

While we enjoy trying cases, we recognize that a trial often is not the outcome that our business clients prefer.

Posternak attorneys therefore are skilled in negotiating settlements, including advocating for our clients at mediations, when an alternative to a trial promises a prompt, favorable, and inexpensive solution to a dispute.

## 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.
- Defended the sellers of a business that manufactures storage containers for spent nuclear fuel in a multimillion-dollar arbitration brought by the buyers of the business, alleging that the clients had committed fraud and that the financial statements of the business did not conform to GAAP.
- Represented a major consumer products manufacturer in arbitration, in Chicago, challenging the client's warranty responsibilities for millions of dollars of product.
- Successfully defended state False Claims Act case commenced against client by Massachusetts Attorney General and associated breach of contract action by state agency.
- Defended one of the founders of a local biotech firm against a claim that he owed a substantial "finder's fee," arising out of the firm's initial venture capital financing.
- Represented a former high-level employee of a consumer products manufacturer, in a claim that he had been deprived of his sizeable percentage of the proceeds of the sale of the company.
- Defeated a claim against another client, again after trial, alleging that our client should be enjoined from competing with the plaintiff after hiring a key employee of the plaintiff.
- 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.
- Represented a sports agency firm in an arbitration commenced by one of its former sports agents.
- Represented the corporate owner of dozens of gasoline stations in pollution claims filed by the Department of Environmental Protection and abutters.
- Defended a private equity fund in litigation involving a multimillion-dollar investment in a portfolio company.