Service

Business Litigation

A Decisive Edge with Mirick

At Mirick, our experienced litigation team has a proven track record of successfully resolving cases through negotiation, alternative dispute resolution and, when necessary, aggressive action in the courtroom. Our extensive trial experience gives us a decisive edge in representing our business clients through every stage of a dispute.

Focusing on Your Objectives

Whether representing closely-held companies, large publicly-held corporations or any type of enterprise in between, we focus on our client's objectives. We provide value to our business clients by minimizing risk, offering practical options, and balancing creative strategies with the economic realities of protracted litigation.

Types of matters we routinely handle:

- Corporate Governance and Management Disputes
- Shareholder Disputes
- Derivative Actions
- Breach of Fiduciary Duty
- Other Corporate Governance Disputes
- Patent and Trade Secrets Disputes
- Fraud

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- Intentional Interference With Contractual Relationships
- Breach-of-Contract Claims
- Unfair or Deceptive Trade Practices.

Mirick attorneys represent clients in shareholder disputes and securities arbitrations as well as in SEC and other regulatory investigations.

Our attorneys represent public and private companies by both prosecuting and defending:

- Minority shareholder claims
- Claims of breach of fiduciary duty
- Derivative litigation
- Other corporate governance disputes.

Mirick litigators also have experience representing investors and brokerage firms in FINRA arbitrations involving allegations of securities fraud and account mismanagement. We have represented clients in SEC, FBI and other regulatory investigations involving alleged securities fraud.

Boards of directors and committees of independent directors turn to Mirick when they need thorough internal investigations.

Experience

- Successfully litigated and mediated a derivative-shareholder lawsuit / “freeze out” claim arising from a dispute between the owners of a closely-held corporation.
- Successfully challenged the decision of a public company’s special litigation committee to terminate a shareholder action alleging executive misconduct, played a significant role in a proxy contest and forced a resolution that ultimately generated approximately $64 million for shareholders.
- Secured a judgment of more than $6 million against a director who misappropriated funds that were intended for investment in a corporation.
- Successfully represented an officer of a public company in a joint securities fraud investigation by the Department of Justice and the SEC, who elected not to prosecute at the conclusion of the

Related Services

Business Law
Employment Litigation
Government Investigations Response and Compliance
Litigation

Related Industries

Alcohol Beverages
Cannabis
Commercial Real Estate
Construction
Education
Healthcare
Life Sciences
Manufacturing
Transportation

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investigation.

- Obtained a landmark appellate decision from the Supreme Judicial Court of Massachusetts ruling that newspapers are exempt from sales and use tax based on the proportion of space devoted to advertising.
- Obtained a seven-figure jury award on behalf of a manufacturer in the United States District Court in a breach of contract claim against its former joint venture.
- Obtained defense verdicts in favor of the research department of a world-renowned university against breach of contract claims in Worcester Superior Court.
- Secured preliminary and permanent injunctions in the Business Litigation Session of Suffolk Superior Court on behalf of a nanotechnology business against its former chief chemist for trade secret misappropriation.
- Successfully defended packaging supplier and new sales employee in the Business Litigation Session of Suffolk Superior Court against efforts to restrain their competitive activities.
- Achieved a refusal to prosecute decision by the U.S. Attorney's Office following an FBI investigation into allegations of computer crimes and theft of intellectual property involving the design and manufacture of medical equipment.
- Successfully tried a jury case in the U.S. District Court for the District of Massachusetts for fraud and tortious interference with contractual/advantageous relationship against a company engaged in organizing amateur sports leagues, its shareholders and its attorney. We prevailed in an appeal to the U.S. Court of Appeals for the First Circuit. Our collection efforts resulted in full satisfaction of judgment.
- Successfully defended a $1 million claim for breach of contract against a manufacturer of computer hardware by serving a motion for summary judgment that relied almost exclusively on the plaintiff's own deposition testimony to demonstrate that the claim was barred by the plaintiff's prior conduct and to demonstrate the speciousness of the claim.
- Negotiated the settlement of complex litigation among shareholders of two closely-held, international plastics companies involving various business torts, contract claims and equitable remedies; coordinated

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the transfer of stock, the implementation of a security agreement and indemnification for international financing obligations.

- Prevailed at trial in the U.S. District Court for the Eastern District of New York on behalf of a company that provides licensure and educational services to financial institutions against allegations, including breach of contract, breach of fiduciary and equitable claims, initiated by a sales and marketing company after termination of the relationship for poor performance.
- Represented a major stockholder in a public company in a shareholder derivative suit involving claims of breach of fiduciary duty and self-dealing by top-level management
- Represented individuals and broker-dealers in FINRA arbitrations involving claims of churning, unsuitability and other types of account mismanagement
- Represented a client in a government investigation involving alleged accounting irregularities and successfully settled the matter following the preparation of a Wells submission
- Represented a client in SEC, FBI and grand jury investigations involving alleged violations of federal securities laws

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