

David Viens

Partner

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Overview

Dave is an experienced litigator with nearly twenty years of experience representing businesses, commercial property owners, real estate developers, and individuals in complex litigation in Massachusetts state and federal courts. His practice focuses on business litigation, construction litigation, real estate litigation, close-corporation shareholder/partnership disputes, manufacturing/distribution disputes, insurance litigation, intellectual property, product and tort liability, and litigation involving financial institutions and other professionals. Dave also has extensive experience defending corporations in consumer protection litigation, including class actions, and is regularly retained by other lawyers around the country to serve as local counsel in complex litigation in Massachusetts courts.

He represents clients throughout Massachusetts, having successfully tried cases in the Massachusetts (state) Superior and District Courts and has appeared in every state and federal court department in Massachusetts. Dave has also successfully appeared before the Massachusetts Appeals Court and Supreme Judicial Court. He has also been admitted pro hac vice numerous times to serve as counsel for clients outside of Massachusetts.

Experience

- Obtained six-figure arbitration award in favor of commercial property owner client after several day arbitration arising from various lease disputes with tenant

Education

Suffolk University Law School,
J.D., *summa cum laude*
(Executive Editor, Suffolk Law
Review)

University of Rochester, B.A.

Bar Admissions

Massachusetts

U. S. District Court,
Massachusetts

United States Court of Appeals
for the First Circuit

Related Services

Business Litigation

Commercial Litigation

Construction Litigation

Intellectual Property Litigation
Litigation

Probate, Trust and Fiduciary
Litigation

Real Estate and Environmental
Litigation

Related Industries

Banking & Finance

Commercial Real Estate

Construction

Insurance

- Regularly represents commercial property owners and developers in lease and other commercial disputes
- Obtained dismissal of specific performance action against property owner clients in Land Court action arising from contemplated sale of multi-million-dollar Martha's Vineyard property
- Successfully argued before Appeals Court in breach of fiduciary duty action arising from partnership dispute over cannabis cultivation venture
- Obtained jury verdict on behalf of national healthcare provider system in retaliation and discrimination action
- Represented commercial property owner in multi-million-dollar lease/option dispute with tenant and obtained favorable resolution and settlement of claims
- Obtained defense verdict for large property owner client following Superior Court jury trial of negligence and breach of warranty of habitability claims
- Obtained jury verdict as co-counsel for client in Wage Act/breach of contract employment action
- Obtained dismissal of serious injury claims against large software company client in negligence action arising from warehouse equipment injury involving contractor
- Defeated motion for preliminary injunction in partnership dispute between owners of property and various businesses, allowing for negotiation of favorable buy-out by client
- Represented majority shareholder of closely held food distribution corporation in action arising from dispute with family member shareholders, reaching favorable buy-out settlement pending appeal
- Negotiated substantial settlement for construction manager client in contract dispute with developer concerning multi-million-dollar construction project
- Successfully defeated motions for summary judgment in multi-million-dollar copyright and software licensing dispute in federal court, allowing for pretrial favorable resolution of claims by and against client
- Successfully represented banking client in Land Court action involving reformation of various deeds and mortgages, as well as claims of

equitable subrogation

- Represented transportation company in dispute with various commercial property abutters arising from \$100 million dollar facility expansion project, allowing for successful completion of project
- Represented trucking equipment repairer/distributor client in wrongful death action arising from dump truck accident
- Obtained stay of indefinite liquor license suspension issued by Alcoholic Beverages Control Commission (ABCC) for restaurant client, allowing client to reopen and reach ultimate favorable resolution of action
- Obtained numerous summary judgments and dismissals for various clients in business and personal tort matters

Affiliations

- Massachusetts Bar Association
- Worcester County Bar Association
- Worcester Economic Club
- Boston College High School Alumni Association
- Worcester Young Businessmen's Association, former member
- Junior Crusaders Youth Hockey Association, former/founding Board member
- Boys & Girls Clubs of Worcester, former Board member
- Massachusetts Restaurant Association, former member

Awards & Recognitions

- Named a Massachusetts "Super Lawyer" by *Boston* magazine and *Law & Politics* (2017-2019; 2024-2025)
- Massachusetts "Rising Star" (2014-2015)
- Selected by the *Worcester Business Journal* as one of the "40 Under Forty" professionals honored for their professional achievements and community service (2017)

