

PARTNER

Douglas T. Radigan

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OVERVIEW

Doug Radigan is an aggressive trial and appeals lawyer representing corporate and individual clients in complex commercial and civil litigation in the state and federal courts of Massachusetts and New England. Doug has substantial courtroom and dispute resolution experience on behalf of clients across a wide range of types and industries, including manufacturers, banks and financial institutions, closely-held corporations and utilities facing high-stakes, hotly-contested claims.

Doug has a well-regarded reputation for negotiating distribution, licensing and IP agreements, for handling workouts for banks and lenders and for representations in shareholder fights. Clients seek Doug's counsel in a wide variety of disputes, including:

- Allegations of fraud, theft, breach of fiduciary duties, conspiracy and other alleged improprieties
- Insurance coverage disputes
- Contract disputes, commercial lease evictions and breaches and mortgage foreclosures
- Environmental enforcement actions and other environmental disputes, especially ones in the manufacturing context
- Manufacturing and distribution disputes
- Corporate and partnership dissolutions and disputes, as well as claims for misappropriation of trade secrets, breach of non-competition covenants, non-solicitation agreements, confidentiality restrictions and a wide variety of employment matters
- Land disputes before the Massachusetts Land Court and Superior Court including: Actions to Try Title, Actions to Quiet Title, Actions to Reform Deeds, Boundary Disputes, Easement and Rights of Way disputes, determination of zoning applications, zoning and/or permitting appeals
- Wrongful death and catastrophic injury claims

Doug also handles premises and products liability claims; claims of malpractice; claims due to exposure to asbestos, mold and other toxic and hazardous substances; construction litigation; and, claims alleging unfair trade practices and violations of consumer protection laws. "I frequently help business clients with strategic counseling and key risk management decisions," adds Doug, "such as those involving internal corporate disputes." He is frequently retained directly by other law firms and lawyers who have sought out his representation and advice.

Before Bowditch

Prior to joining the firm, Doug was a trial attorney at a Worcester firm where he defended and counseled individuals, corporations and insurance companies in all aspects of civil litigation. Doug also previously worked at a Boston firm, representing professionals in malpractice actions and providing counsel on insurance coverage issues.

Besides work

Doug enjoys playing golf in his spare time. “It gives me a break from thinking.” He’s also a long-time hockey player (“No missing teeth”) and skier (“Nothing crazy”).

EXPERIENCE

An aggressive litigation strategy succeeds

Doug’s client, a world-wide manufacturer of high-tech devices, was sued by one of its foreign distributors after entering into an agreement abroad. The distributor claimed breach of contract, implied covenant of good faith and fair dealing along with violations of Mass. G.L. c. 93a for failing to honor the exclusivity provisions of its distribution agreement and failing to deliver marketable goods. The distributor sought over \$2.3 million dollars in single damages, in addition to double or treble damages.

Doug helped the client prevail, successfully defending against the claim and winning its counter claim. The client obtained an arbitration award, with the arbitrator ruling in its favor on all counts and awarding \$300,000 for its counter claims along with a declaratory order terminating any further claims or rights of the distributor. “This victory came at a time when the client was unwinding a prior growth strategy,” Doug noted. “So, we took the matter all the way to a decision, an approach that best suited the client’s business strategy.”

Securing \$5 Million in Excess Coverage

A federal appeals court overturned a lower court ruling that had favored a General Re Corp. unit in a dispute with a trucking company in a pollution case, holding that an endorsement in its excess policy was ambiguous. After cleanup costs exceeded the trucking company’s primary insurance policy, PTI filed a claim with General Star, which denied coverage based on a “total pollution” exclusion in its policy. The trucking company then filed suit in U.S. District Court in Worcester for breach of contract, arguing there was coverage under a “special hazards” endorsement in the Gen Re coverage, or that at least the policy was ambiguous. The District Court, which had held the policy was unambiguous and ruled in favor of Gen Re, was overturned by a unanimous three-judge appeals court panel, which concluded the special hazards endorsement was ambiguous, and “susceptible to at least three different interpretations.”

Winning a partnership dispute

In a case of trade secret misappropriation, a Massachusetts manufacturer turned to Doug for help in a Superior Court case. “We secured preliminary and permanent injunctions on behalf of our client, a leading global healthcare and diagnostics company, against a former business partner.”

OTHER EXPERIENCE

Corporate and general litigation

- Litigated and mediated a derivative-shareholder lawsuit or “freeze out” claim, arising from a dispute between the owners of a closely-held corporation, on terms very favorable to his client.
- Obtained a very favorable, mediated settlement for our client in a case involving a family dispute over a multi-million dollar Trust.
- Defended claims brought against the client, a physician, who was sued by his former practice for unpaid expenses and

excessive compensation. In reaching a successful resolution for his client, Doug demonstrated that the claimants had failed to properly account for expenses already reimbursed, incorrectly calculated each partner's basis and failed to properly account for outstanding accounts receivables.

Construction and development

- Obtained summary judgment against a local town confirming easement rights in contest that resulted in the restoration of client's right to water from the town municipal water supply system.
- Awarded a summary judgment in favor of a client developer who had sought declaratory and injunctive relief to prevent a municipality from terminating a mixed-use development's rights to the town water supply after the client had already invested millions in its redevelopment.
- Won a seven-figure arbitration award against a general contractor client on behalf of his clients who were experiencing construction defects in their new home.

Manufacturing and environment-related claims

- Obtained a stay of enforcement of certain contested conditions of a National Pollutant Discharge Elimination System ("NPDES") permit for a water district, pending further review by the United States Court of Appeals for the First Circuit. At the time, it was the first such stay of enforcement granted by any Circuit Court for an NPDES permitting action.
- Awarded summary judgment in favor of a developer client that prevented the town from terminating the developer's access to the town water supply after the client had already invested millions in the redevelopment of an old mill into mixed-use development in reliance on such access.
- Defended, and obtained favorable settlement, for manufacturer who had significant exposure for environmental response action costs and attorneys' fees under CERCLA and M.G.L. c. 21E.

AFFILIATIONS

- Member, Association of Ski Defense Attorneys
- First Vice President, Worcester Economic Club
- Corporator, Worcester Art Museum
- Officer and Director, Worcester Young Businessmen's Association
- Member, Worcester County Bar Association
- Member, Worcester County Federal Bar Association
- Vice-President, Investment Committee Chair, Worcester County Horticultural Society f/k/a Tower Hill

PREVIOUS

- Second Vice President, Worcester Economic Club

HONORS

- *Best Lawyers in America*, Litigation – Banking and Finance (2023 and 2024) and Litigation – Insurance (2024)
- Selected for inclusion in *Massachusetts Super Lawyers* Rising Stars in the areas of Business Litigation, Insurance Coverage and Civil Litigation

ARTICLES & TALKS

ARTICLES

- [“Businesses face these urgent coronavirus legal issues,”](#) *Worcester Business Journal*, March 30, 2020

TALKS

- [“An In-House Counsel’s Playbook for Navigating a Cyberattack,”](#) Association of Corporate Counsel-Northeast, February 16, 2022
- [“A Brave New World: Corporate Policies & Procedures Post-COVID,”](#) Association of Corporate Counsel-Northeast, April 15, 2021
- [“Will Traditional Business Insurance Policies Apply to Claims Related to the Coronavirus?”](#) Association of Corporate Counsel Northeast, April 7, 2020
- [“Deciphering Business Interruption Insurance in the COVID-19 Crisis,”](#) Massachusetts Continuing Legal Education, April 3, 2020
- [“Discussion Through Case Study: When to License and When to Scale?”](#) New England Business Association’s Senior Executive Circle, Worcester, MA, November 9, 2018

BAR ADMISSIONS

- Massachusetts
- United States District Court of Massachusetts
- First Circuit Court of Appeals
- United States Supreme Court
- Maine

EDUCATION

- J.D., American University Washington College of Law; American University International Law Review
- B.A., Boston College