

PARTNER

## Louis M. Ciavarra

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### OVERVIEW

Lou Ciavarra is a trial lawyer with more than 30 years of problem-solving experience on behalf of business and institutional clients facing difficult claims and disputes and, when necessary, aggressively representing them in court. Lou provides results-focused counsel to national and international business clients with interests in New England, comprising protection of intellectual property, contract negotiations and bet-the-company litigation.

He has tried and won numerous jury and bench trials in federal and state courts on matters involving complex business, intellectual property and construction disputes, as well as noncompetition claims and securities fraud. Lou has handled a wide range of other contentious, often multi-party litigation, such as...

- An action to enjoin unlawful competition and protection of trade secrets
- Defense in a suit by the acquirer of a subsidiary of our client alleging breach of contract and a claim of securities fraud against our client
- Representation of professionals and firms in the securities industry before FINRA and state regulatory authorities
- Wrongful death claims against a regional gas and electric provider

Lou is also a past Managing Partner of Bowditch & Dewey.

### Besides work

Lou enjoys his family in his spare time and being active in sports and the community. He also likes to spend time with clients away from the office. "A lot of my clients are also friends."

### EXPERIENCE

#### Compelling a litigation adversary to settle mid-trial

The firm's client was a large multi-national defense contractor, wrongfully accused of misappropriating a sub-contractor's trade secrets and sued in U.S. District Court. After several days of the jury trial and following examination of the plaintiff's key witness, the plaintiff capitulated and agreed to settle on terms that were a fraction of its initial demand.

## An intellectual property claim favorably settled

A software company headquartered in the Southeast U.S. turned to Lou for help when a major multi-national corporation infringed on the company's copyright. The suit was vigorously defended and involved dozens of witnesses. Because of the preparation, the case was settled for millions of dollars on the eve of trial. "We obtained a favorable settlement for our client," according to Lou, "which aligned best with the strategic business interests underlying the dispute."

## Defeating a class action suit against assisted living and skilled nursing residences

The owners and operator of multiple assisted living and skilled nursing residences in Massachusetts was the subject of a class action suit seeking millions of dollars in damages. The claims arose out of the intersection of landlord tenant law and the laws governing the operation of these specialized facilities. While the court's in other cases had approved the certification of the class, we were successful in defeating the motion, which led to a quick settlement at a fraction of the demand and exposure and avoided substantial litigation fees.

## Successful settlement of trade secret and employment case

The firm's client started a new business with a national footprint and a competitor hoped to stop the client in its tracks by filing suit alleging theft of trade secrets and breach of various employment contracts. Based on an early and vigorous defense, we were able to force the competitor to the table and resolve the case early and favorably.

## OTHER EXPERIENCE

### Intellectual Property

- Large national software company asserting tens of millions of dollars in damages resulting from the copyright infringement and breach of license agreement by a licensee
- Multi-billion dollar defense contractor defending claims of trade secret theft arising out of the design and manufacture of sophisticated military vehicles
- Defended several clients sued in U.S. District Court of California for trademark infringement involving wine brands

### General litigation

- Major Massachusetts political party in defense of claims arising out of alleged misconduct in the nomination process for elected office
- Several privately-held companies in which the founders are in litigation over operations and ownership rights
- Large, four-star hotel in Boston involving claims against a contractor for damages in excess of many millions of dollars

### Complex corporate and contractual

- Multi-billion dollar international engineering and environmental firm in connection with a radiological remediation of a Nuclear Regulatory Commission-licensed site in which the parties' claims and counterclaims are in the multi-millions of dollars
- International power company and utility in all of its litigation, commercial and tort defense in Massachusetts
- National broker-dealer and financial services firm for over 20 years, including all of its securities-related litigation in Massachusetts

## AFFILIATIONS

## PROFESSIONAL/COMMUNITY

- Coach, College of the Holy Cross Mock Trial Team

## PREVIOUS

- Former President, Federal Bar Association – Massachusetts

## HONORS

- Martindale-Hubbell Peer Review, AV Preeminent, 5.0, the highest ranking
- Massachusetts *Super Lawyers*, Business Litigation; only 5% of the lawyers in a state are selected each year
- *The Best Lawyers in America*®, selected by his peers for inclusion in the fields of Commercial Litigation and Litigation – Intellectual Property since 2003
- “Good Guys” honoree, named when Lou was Managing Partner of the firm by the Massachusetts Women’s Political Caucus for his ongoing commitment and partnership in achieving equality for women
- Fellow, Litigation Counsel of America, an invitation-only honorary society that includes less than 0.5% of American lawyers

## ARTICLES & TALKS

### ARTICLES

- “Action Required to Protect Your Trademark and Prevent “Cybersquatting” On Facebook,” Bowditch & Dewey, June 12, 2009

### TALKS

- “How FinTech Will Change the Way You Do Business,” Worcester Regional Chamber of Commerce Financial Services Roundtable, Worcester, Massachusetts, May 22, 2019 (Moderator)
- “Basic Legal Issues Many Entrepreneurs, Closely Held Businesses, and Small to Mid-Size Companies Overlook,” May 2018
- “Basic Legal Issues Many Entrepreneurs, Closely Held Businesses, and Small to Mid-Size Companies Overlook,” Corporate Value Metrics, December 2017
- “Basic Legal Issues Most Entrepreneurs, Closely Held Businesses, and Small to Mid-Size Companies Overlook,” Corporate Value Metrics, Dedham, Massachusetts, December 6, 2017

## MEDIA MENTIONS

- “‘Unclean hands’ help sink bid to use judicial estoppel to void right of first refusal” (*Massachusetts Lawyers Weekly*)
- “Jurisdictional issue jeopardizes eight-figure verdict” (*Massachusetts Lawyers Weekly*)
- “Worcester fuel dealer faces class-action suit over home heating oil mixture” (*The Boston Globe*)

## BAR ADMISSIONS

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

- United States Court of Federal Claims

## EDUCATION

- J.D., *cum laude*, Suffolk University Law School
- B.A., College of the Holy Cross