



David M. Ianelli

Partner | Boston | 617.449.6544

dianelli@mccarter.com

Business Litigation

A seasoned litigator with broad-based experience in complex commercial and real estate related litigation, David Ianelli offers clients exceptional experience in Massachusetts state and federal courts and a track record of obtaining favorable outcomes in a wide variety of high-value disputes.

David handles complex commercial litigation matters, representing both plaintiffs and defendants in state and federal courts in a variety of contexts.

Through the years, David has assisted clients with claims involving contracts, fraud, unfair and deceptive conduct, unfair competition, trade secrets, copyrights, negligence and breach of warranty. He also has developed an expertise in resolving business disputes arising in the context of privately-owned, closely-held companies and partnerships, both prosecuting and defending claims of breach of fiduciary duty, freeze-out, squeeze-out and related intra-company disputes.

Experienced in real estate and title litigation, David frequently appears before the Land Court of the Commonwealth of Massachusetts on matters concerning reformation, unjust enrichment, equitable mortgages and quiet title actions concerning recorded and/or registered land. He also handles matters concerning asserted encumbrances to land including express, implied and/or prescriptive easements and adverse possession.

David also represents banks and financial institutions in defense of claims arising out of alleged bank operation failures, letters of credit, collections, commercial paper, fraud, U.C.C. claims, disputed security interests, legal order process claims, subpoena compliance, trustee process attachments, reach and apply claims, restraining orders and security deposit litigation. This includes the full range of agency, tort and contract claims, including M.G.L. c. 93A claims, that arise out of these allegations.

David has tried cases in the Superior and District Courts of the Commonwealth of Massachusetts and the U.S. District Court for the District of Massachusetts. He also has handled countless mediations and arbitrations with a commitment to resolving cases in an efficient and cost-effective manner.

Representative Matters

Biotechnology company—Defense of theft of trade secrets claims

Defended a private biotech company in Massachusetts Superior Court against a \$2 million claim arising out of the alleged misappropriation of trade secrets and confidential information. Case was favorably settled on the eve of trial.

National bank—Negligence and fraud claims favorably resolved

Defended a national bank against claims for fraud, negligence, and violation of M.G.L. c. 93A centered on principles of agency and vicarious liability arising out of a sophisticated conspiracy to defraud various individuals. A bank employee and another individual were criminally indicted for fraudulently validating bogus bank accounts and letters of credit that they knew were being used to validate the creditworthiness of the entities

perpetrating the fraud. Case was ultimately mediated to a successful conclusion.

Private college—Breach of contract and fraud claims favorably resolved

Defended a private college against claims of fraud, breach of contract, breach of covenant of good faith and fair dealing, and violation of M.G.L. c. 93A, arising out of the acquisition and integration of an outside program that resulted in modifications to the college's commercial arts program. Case favorably settled via mediation prior to the summary judgment deadline.

Quasi-state agency—\$7 million judgment against construction loan guarantors

Represented a quasi-state agency in a suit against individual guarantors to recover \$6 million of construction loan proceeds. Obtained a \$7 million judgment and currently seek to recover assets fraudulently conveyed by guarantors to various family members to avoid satisfaction of the judgment.

International food manufacturer—Breach of contract claims resolved favorably

Asserted breach of contract and M.G.L. c. 93A claims on behalf of an international brand name food manufacturer, arising out of a purchaser's breach of an output contract. Successfully resolved the dispute through aggressive pre-discovery settlement negotiations.

National bank—Summary judgment against defaulted borrower

Asserted claims for declaratory judgment and mortgage reformation in title litigation case against a defaulted borrower, on behalf of a national bank. Moved for and obtained summary judgment on equitable subrogation grounds.

Real estate developer—Dismissal of implied view easement action

Defended a real estate developer against a claim of implied view easement asserted by a beachfront property owner who claimed that our client's renovation of a residential property blocked his view of the ocean. Case was dismissed on a successful Rule 12(b)(6) motion.

Education

Suffolk University Law School, JD, *cum laude*, 1994

University of Massachusetts Amherst, BA, *cum laude*, 1991

Bar Admissions

Massachusetts

Court Admissions

U.S. District Court, District of Massachusetts

Memberships and Certifications

American Bar Association

Federal Bar Association

Massachusetts Bar Association

Real Estate Bar Association For Massachusetts

Judicial Clerkships

Judicial Law Clerk

Superior Courts, State of Connecticut, 1994-1995