

Patrick P. Dinardo

Partner

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Pat is co-director of the Litigation Department. He has over 35 years of experience representing various parties in complicated contract, trust, real estate, and insolvency-related matters in State and Federal court. He is an active member of the firm's Associate Evaluation Committee and chair of its Pro Bono Committee.

Over the years Pat has focused his practice on the litigation and resolution of business disputes, including disputes involving fiduciary duties and creditors' rights. He has represented plaintiffs and defendants, national and international creditors, debtors, creditors' committees, and trustees in bankruptcy, as well as parties seeking to acquire or dispose of distressed assets. He helps clients solve complex and intractable business issues in all these areas.

Education

- University of Chicago Law School (J.D.)
- Georgetown University (B.A., *magna cum laude*)

Bar & Court Admissions

- Massachusetts
- U.S. District Court, District of Massachusetts
- U.S. Tax Court
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Third Circuit
- Supreme Court of the United States

Professional Qualifications

- Boston Bar Association
- Board of Directors, Greater Boston Legal Services, 2013-present
- Steering Committee for the Bankruptcy Section, Boston Bar Association, 2010-2013
- Co-Chair, Boston Bar Association Bankruptcy Section Practice and Procedure Committee, 2012-2014
- Co-Chair, Boston Bar Association Bankruptcy Section Pro Bono Committee,

Capabilities

- Bankruptcy & Restructuring
- Complex Commercial & Financial Disputes
- Litigation
- Permitting & Land Use
- Real Estate Workouts

2010-2011, 2011-2012

- American Bankruptcy Institute
- Joint Boston Bar Association/United States Bankruptcy Court Task Force on Financial Literacy, 2005-2010
- One of eight practitioners appointed in 2004 to the Bankruptcy Merit Selection Panel by First Circuit Court of Appeals to assist in selection of a new bankruptcy judge for the District of Massachusetts

Awards & Honors

- *Boston Magazine* Top Lawyers, Bankruptcy and Workout (2021-2025)
- *Best Lawyers'* Boston Litigation/Bankruptcy Lawyer of the Year (2016, 2024)
- *Best Lawyers in America*® (2013-2026)
- *Chambers USA*, Ranked in Bankruptcy/Restructuring (Massachusetts) (2009-2025)
- Recommended by *The Legal 500 U.S.* (2013-2015, 2021-2026)
- *Massachusetts Super Lawyers* (2004-2026)
- Martindale-Hubbell AV Preeminent Attorney

Matters

- Successfully defended an LLC board of managers against a claim of breach of fiduciary duty in proceedings before the American Arbitration Association following a trial conducted in two phases
- Conducted review of practices, policies and procedures of the City of Boston Zoning Board of Appeal and prepared comprehensive memorandum providing recommendations for the improvement of Board practices
- Following trial, successfully negotiated resolution of a complicated dispute over a 62-year ground lease involving approximately four acres in the Kendall Square area of Cambridge, Massachusetts
- Represented a Canadian power plant contractor as a major creditor in the Delaware bankruptcy of a key equipment supplier and all related issues
- Obtained disputed D&O coverage and thereafter litigated to a successful conclusion breach of fiduciary duty and other claims brought by a Chapter 7 Trustee against the founder and Chairman of the Board of a high tech startup
- Represented a syndicated bank group in negotiating a series of forbearance agreements, a cash collateral stipulation and finally, terms of the takeout, recovering 100% of bank group's \$120 million loan within thirty days of a Debtor's Ohio bankruptcy filing
- Litigated to successful conclusion an objection to plan confirmation in Delaware for a client who provided post-bankruptcy financing of approximately \$70 million through mortgage and sale/leaseback arrangements on healthcare facilities in ten states
- Guided an international client on the United States bankruptcy sale and auction process, resulting in a \$56 million acquisition of the worldwide intellectual property rights and all overseas operations of Arthur D. Little, Inc.
- Advised a national office supply chain on its acquisition of various real estate interests held by a series of Chapter 11 debtors throughout the Eastern United States
- Tried Plaintiff's claims for trade secret, breach of contract and intentional

- interference to a jury in the Court of Common Pleas, for Summit County, Ohio
- Advised a healthcare company on its successful acquisition of seven senior living facilities in North and South Carolina from a Chapter 11 Debtor and its non-debtor tenants in common
- Litigated and resolved numerous pre- and post-confirmation issues in the successful reorganization of a national convenience store chain with annual revenues of approximately \$2.5 billion

Precedent-Setting Decisions Reflecting Pat's Work Include:

- Commercial Wharf East Condominium Association v. Boston Boat Basin, LLC, 93 Mass. App. Ct. 523 (2018) (involving use restrictions on the Boston waterfront and clarifying related civil contempt issues)
- Noonan v. Wonderland Greyhound Park LLC, et al., 2010 WL 2724000 (D. Mass. 2010) (intercreditor subordination issues)
- Rogers Street LLC, et al. v. MBA-Rogers Street LLC, et al., Civil Action No. 06-4917-BLS2 (Massachusetts Superior Court, Business Litigation session 2009) (ground lease and estoppel issues)
- Haseotes v. Cumberland Farms, Inc., 284 F.3d 216 (1st Cir. 2002) (breach of fiduciary duty/corporate opportunity)
- In re Rickel Home Centers, Inc., 240 Bankr. 826 (D. Del. 1998), aff'd 209 F.3d 291 (3d Cir. 2000), cert. den. 148 L.Ed.2d 120 (2000) (distressed lease acquisition)
- In re CyberMedica, Inc., 280 Bankr. 12 (Bankr. D. Mass. 2002) (D&O coverage in Chapter 7 context)
- In re Cumberland Farms, Inc., 249 Bankr. 341 (Bankr. D. Mass. 2000), aff'd. 257 Bankr. 691 (D. Mass. 2001) and 181 Bankr. 678 Bankr. D. Mass. 1995), aff'd. 216 Bankr. 690 (D. Mass. 1997)
- In re Filene's Basement, Inc., 239 Bankr. 845 and 850 (Bankr. D. Mass. 1999) (disqualification issues)
- HRPT Advisors, Inc. v. MacDonald, Levine, Jenkins & Co., P.C., 43 Mass. App. Ct. 613 (1997) (mortgage subordination issues)
- In re Wintex, 158 Bankr. 540 (D. Mass. 1992) (bankruptcy sale procedure)