

## Gregg P. Bailey

PARTNER

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### Practice Areas

Asbestos Litigation  
Auto Design Liability  
Litigation  
Catastrophic Personal Injury  
Complex Civil & Business  
Litigation  
Employment  
Premises Liability  
Products Liability  
Toxic Tort Litigation

### OVERVIEW

Gregg P. Bailey is licensed in both Massachusetts and Connecticut. He focuses his civil litigation practice on complex business and commercial litigation, product liability defense, and asbestos defense. Gregg has litigated several matters to successful verdicts in the Massachusetts Trial Courts and has represented many foreign and domestic manufacturers and businesses in mediations, in administrative hearings, and before state and federal courts in both Massachusetts and Connecticut.

Gregg has an impressive history of arguing and obtaining summary judgment on complex issues. In 2013, on behalf of a major manufacturer of tools, Gregg obtained summary judgment in an asbestos case in Connecticut. In a case of first impression, Gregg successfully argued that a manufacturer of non-asbestos containing products does not owe a duty to warn of the dangerous characteristics of another product's dangerous properties.

Gregg has successfully argued that Connecticut courts should not apply the crashworthiness doctrine in a product liability case against a motor vehicle manufacturer. While the Connecticut Superior Courts are split on this issue, the appellate courts have not yet provided guidance. Gregg convinced the Superior Court that Connecticut's pure comparative responsibility scheme under the Connecticut Product Liability Act requires that a jury consider all causes of a party's injuries and precludes the application of the crashworthiness doctrine.

Gregg obtained a summary judgment in the United States District Court for the District of Connecticut involving a franchise under the Connecticut Franchise Act ("CFA"). At the summary disposition stage, Gregg established that his client's termination of an authorized franchise satisfied the requirements under the CFA in that there was good cause and a good faith basis for the termination.

In December 2014, on behalf of a manufacturing client, Gregg obtained summary judgment on a breach of warranty claim by establishing that the plaintiff provided late notice of the claim in the United States District Court for the District of Massachusetts. The Court held that the notice of the accident was not reasonably prompt under the circumstances even though the Plaintiff brought an action within the statute of limitations period. The Court rejected the plaintiff's argument that notice was not necessary until a good-faith basis for a cause of action arose, holding that the threshold for providing notice is less than Rule 11's requirement for filing a complaint in a civil action. The Court then found that the late notice had resulted in undue prejudice and granted summary judgment.

While a law student, Gregg participated in the Suffolk University Landlord Tenant Clinic where he represented low income and/or indigent clients in the Chelsea District Court. In one such matter, Gregg successfully tried a case to prevent an eviction while obtaining a verdict on counterclaims for breach of the implied warranty of habitability, retaliation, and violation of the Massachusetts Consumer Protection Act (Massachusetts General Laws Chapter 93A).

## EXPERIENCE

### Authorships

- *Preserving Objections to Jury Instructions*, Co-Author, 2009.
- *Law-In Motive-Based Section 1983 Claims*, Author, 2001.

## HONORS

- Massachusetts Super Lawyer/Rising Star in Civil Litigation, 2006 and 2007
- Suffolk University Law Review, Editorial Board Member 1999-2000; Staff Member 1998-1999
- Suffolk University Law School Distinguished Oral Advocate Award, 1997
- Saint Anselm College President's Award for Academic Excellence, 1996
- Project D.E.E.P. 20 Year Anniversary Award, Recognized for 20 Years of Dedication to the Children of Project D.E.E.P., May 13, 2016

## EDUCATION

- J.D, Magna Cum Laude, Suffolk University, 2000
- B.A., Summa Cum Laude, Saint Anselm College, 1996

## ADMISSIONS

- Connecticut
- Massachusetts

- U.S. District Court for the District of Massachusetts

### COMMUNITY INVOLVEMENT

- Dorchester Educational Enrichment Program, Since 1996, Mr. Bailey has actively supported Project D.E.E.P. (the Dorchester Educational Enrichment Program), which is a 501(c)(3) non-profit educational program. Project D.E.E.P.'s mission is to foster the educational, athletic and social growth and development of middle school children of all races, creeds and ethnic backgrounds throughout the Dorchester community. Since 2004, Mr. Bailey has volunteered his time as an instructor of Project D.E.E.P.'s Learning Latin program, which provides academic support and tutoring for students studying classical latin.

### OUTSIDE CETRULO

Gregg lives in Dorchester, Massachusetts, where he grew up, with his wife Cathie and three children: Anna, Nora, and Finn.