

Rory FitzPatrick

OF COUNSEL

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Practice Areas

Appellate
Asbestos Litigation
Catastrophic Personal Injury
Complex Civil & Business Litigation
Environmental
National and Regional Coordinating Counsel
Pharmaceutical Litigation
Premises Liability
Products Liability
Toxic Tort Litigation
Transportation/Ride-Share
Trust, Estate & Probate Litigation

OVERVIEW

Rory FitzPatrick has decades of experience and success as a trial lawyer, litigator, appellate attorney, and counsellor, in nearly all aspects of dispute resolution. He has tried numerous cases in state and federal courts, both jury and jury-waived trials. He has argued numerous appeals, as appellee and appellant, in the Supreme Judicial Court of Massachusetts, the Massachusetts Appeals Court, the United States Court of Appeals for the First, Second, and Eleventh Circuits, and in appellate courts in Alabama, California, Illinois, New Jersey, and New York. He has substantial experience in complex civil litigation, contract disputes, M&A disputes, securities matters, class action suits, product liability and toxic tort litigation, intellectual property matters, and employment disputes, among many other areas. He has successfully argued numerous summary judgment motions and motions to dismiss, and handled complex arbitrations. He has represented pharmaceutical companies, biotech companies, financial institutions, Fortune 100 companies, law and accounting partnerships, and high net worth individuals.

EXPERIENCE

- Valassis Communications v. ADVO, Inc., Obtained favorable settlement for ADVO after one week of trial in Delaware Chancery Court, involving attempt by Vallassis to rescind offer to acquire shares of ADVO; transaction valued at \$1.2 billion completed as a result of the settlement.
- Bain Capital v. Wesley Jessen Mass. Superior Court, Business Litigation Session, 012171BLS (2003), Obtained summary judgment for manufacturer, defeating venture capital firm's claim for multi-million dollar fees in connection with acquisition by third party of manufacturer's shares.
- Cotter v. City of Boston, 323 F. 3d 160 (2003), Won summary judgment for the City of Boston and the Boston Police Department, with affirmance in the First Circuit, in

case asserting unconstitutional promotion practices by City and BPD.

- *Lafayette Place Associates v. BRA*, 427 Mass. 509 (1998), Acting as appellate counsel for the City of Boston, obtained reversal of jury verdict totaling nearly \$20 million inclusive of interest and entry of judgment for the City, in a breach of contract action involving a proposed development project.
- *Santiago v. Sherwin Williams*, 782 F. Supp. 186 (D. Mass. 1992), aff'd., 3 F.3d 546 (1993), Obtained summary judgment, and affirmance on appeal, establishing that former lead pigment manufacturers could not be held liable for personal injuries on the basis of a "market share" theory of liability.

HONORS

- Martindale-Hubbell® AV-Preeminent™ Peer Rated
- Massachusetts Super Lawyers, 2005-2017

EDUCATION

- J.D., Harvard Law School, Cambridge, Massachusetts
- M.A., Harvard University, Cambridge, Massachusetts
- B.A., with Honors, Manhattan College, Riverdale, New York

ADMISSIONS

- Massachusetts
- New York
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the District of Massachusetts
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. Supreme Court

MEMBERSHIPS

- American Bar Association, 1977-present
- Standing Committee on Pro Bono and Public Interest Litigation, American Bar Association, 2004-2008

- Section of Litigation member, American Bar Association, 1979-present
- Chair of Pro Bono Committee, Litigation Section of the American Bar Association, 1987-1990
- Chair of Product Liability Committee, Litigation Section of the American Bar Association, 1991-1994
- Division Director, Litigation Section of the American Bar Association, 1996
- Boston Bar Association, 1980-present
- Steering Committee, Class Action/MDL Section, Boston Bar Association, 2015-present
- Board Member, Lawyers Committee for Civil Rights and Economic Justice, 1999-present
- Defense Research Institute, 2009-present

COMMUNITY INVOLVEMENT

- Irish Cultural Center, Member of the Board, 2010-2014
- Milton boys soccer and baseball, Coach, 1995-2002

OUTSIDE CETRULO

After nearly twenty years of living in Milton and being involved with youth baseball, soccer, and basketball, Rory and his wife, Mary Anne Walsh, “downsized” to condo living in Marina Bay after their son Seamus graduated from St. Michael’s College in Vermont in 2015.

Rory has been a Board member of the Irish Cultural Center of Boston, has been involved with the Irish International Immigration Centre, and serves as a Board member of the Lawyers Committee for Civil Rights and Economic Justice.

He is an avid reader of fiction and poetry, with a special interest in contemporary Irish literature.