



**Todd & Weld** LLP

## David H. Rich

Partner

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### **David Rich has achieved considerable courtroom success with multiple multimillion-dollar jury verdicts on behalf of clients.**

David H. Rich concentrates his varied civil litigation practice on complex business and commercial litigation, First Amendment law, and employment law.- He guides clients on the best approach to their litigation challenges – from trying cases to attempting reasonable compromises out of court.- Bottom line: Mr. Rich is always prepared to win at trial, which often leads to favorable pre-trial resolutions.

A partner at the firm, Mr. Rich has obtained several jury verdicts, including a \$3.5 million defamation award from a federal jury on behalf of a Saudi Arabian scientist, as well as favorable bench trial decisions, including a \$6 million judgment for a prominent neurosurgeon involved in contract dispute with a major regional hospital over the failed development of a brain and spine institute.

Other diverse matters Mr. Rich has successfully tried in the state and federal include:

- a state Superior Court judge suing a media entity for defamation
- a harness horse racing facility suing a contractor for fraud
- a local investment banker suing for an investment banking fee-
- a former chair of a board of selectmen suing for defamation

Mr. Rich has provided defense counsel in a lender liability lawsuit, in a suit on a promissory note and guarantee, and in a class action against a regional automobile dealership alleging RICO violations. -He has represented an insurance brokerage firm on a wide variety of employment-related matters.

Mr. Rich is quoted frequently in the media and regularly lectures on matters relating to defamation law, employment matters and trial practice.

## Practice Areas

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- Business Litigation
- Media, First Amendment, and Defamation Law
- Employment Law and Litigation
- Real Estate Litigation
- Civil Rights Litigation

## Representative Results

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### Business Litigation

- Secured a \$6.05 million judgment for a prominent neurosurgeon involved in contract dispute with a major regional hospital over the failed development of a Brain & Spine Institute. The matter was tried over three weeks in the Massachusetts Superior Court's Business Litigation Session. In a 78-page decision, the Court ruled in favor of Mr. Rich's client and awarded \$3.6 million in compensatory damages, in addition to attorneys' fees, costs and prejudgment interest.
- Following a bench trial conducted on Zoom, obtained a defense verdict denying liability under Massachusetts Chapter 93A in a dispute concerning an option to purchase commercial real estate.
- Following a bench trial in the U.S. District Court for Massachusetts, secured a \$2.53 million ruling, plus \$700,000 in prejudgment interest, for an investment banking firm that had assisted in the sale of Planet Fitness to a private equity firm for \$525 million.
- Obtained a \$20-million bench trial verdict on behalf of a private equity firm in the Massachusetts Business Litigation Session involving the failure of a commercial property developer to repay loans.

### Employment Litigation

- Persuaded a Massachusetts Superior Court judge to grant summary judgment to his day spa client, defeating a putative class action seeking Sunday premium pay under the Massachusetts Wage Act.
- Obtained a Massachusetts Superior Court jury verdict rejecting the associational handicap discrimination claim of a sales employee previously employed by the firm's client.

### Defamation

- Obtained a \$3.5 million defamation award from a federal jury on behalf of Saudi Arabian scientist Hayat Sindi, who sued Samia El-Mouslimany and her mother arising from numerous publications accusing Dr. Sindi of fabricating and exaggerating her academic credentials. He also persuaded the judge presiding over the trial to [issue an injunction](#) permanently barring the defendants from repeating defamatory statements about his client in the future.
- Obtained a \$2.9 million verdict for a former chairman of the Chelmsford Board of Selectmen in a defamation action tried to a jury in the Lowell Division of Middlesex Superior Court. The jury's verdict following the three-week trial included a finding that Mr. Rich's client had succeeded in proving, by clear and convincing

evidence, that the defamatory statements that were the subject matter of the suit had been published with actual malice.

- Successfully represented the director of a non-profit youth organization in a defamation action against the *Boston Herald* and its reporter. -Following a multi-week trial, a Massachusetts Superior Court jury returned a verdict in favor of Mr. Rich's client and awarded substantial monetary damages, including \$550,000 in emotional distress damages. The jury found that Mr. Rich's client had succeeded in demonstrating, through clear and convincing evidence, that the *Boston Herald's* reporting had been published with actual malice.
- Persuaded a Massachusetts Superior Court judge to dismiss a defamation case under the Massachusetts statute prohibiting lawsuits filed in response to the exercise of constitutional free speech and petitioning right.

### Trademark Litigation

- Attained a preliminary injunction on behalf of Commerce Bank prohibiting TD Banknorth from using the name "TD Commerce Bank" in the Boston and Worcester metropolitan areas.

### Experience

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- Todd & Weld LLP, 1996-present

### Bar Admissions

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- Massachusetts, 1996
- U.S. District Court, Massachusetts, 1997
- U.S. Court of Appeals, First Circuit, 1999

### Education

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- Suffolk University (J.D., *cum laude*, 1996)
- Syracuse University (B.S., 1993)

### Professional Activities

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- Boston Bar Association
- Massachusetts Bar Association

### Publications/Presentations

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- Panelist, Challenges of Advancing Civil Litigation Cases During the Pandemic, Boston Bar Association webinar, May 2020
- "Will Massachusetts state courts go remote permanently?," *Massachusetts Lawyers Weekly*, April 2020
- Presenter, Motion Practice in Mass. Business Litigation Session, MCLE, July 2018

## Honors and Awards

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- Named to *Best Lawyers in America* in Commercial Litigation; First Amendment Law and Litigation: First Amendment (2021-2023)
- Named to Massachusetts *Super Lawyers* for Business Litigation (2013-2022)
- Named Litigation Star in *Benchmark Litigation* (2021-2022)

## News & Insights

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- 17 Todd & Weld Attorneys Selected to Boston Magazine's 2022 Top Lawyers
- 30 Todd & Weld attorneys named 2022 Massachusetts Super Lawyers and Rising Stars
- Nineteen Todd & Weld attorneys named to 2023 Best Lawyers in America
- Firm's summary judgment win highlighted in Massachusetts Lawyers Weekly
- David Rich quoted in article on appellate decision rejecting personal jurisdiction
- 30 Todd & Weld attorneys named 2021 Massachusetts Super Lawyers and Rising Stars
- Sixteen Todd & Weld attorneys named to 2022 Best Lawyers in America
- 30 Todd & Weld attorneys named 2020 Massachusetts Super Lawyers and Rising Stars
- Firm attorneys recognized as Litigation Stars in Benchmark Litigation 2021
- David Rich to participate in webinar on advancing civil litigation in MA Superior Court during COVID-19
- In published article David Rich assesses whether MA state courts will go remote permanently
- 31 Todd & Weld attorneys named 2019 Massachusetts Super Lawyers and Rising Stars
- 30 Todd & Weld attorneys named 2018 Massachusetts Super Lawyers and Rising Stars
- David Rich to present on motion practice in Business Litigation Session
- 24 Todd & Weld attorneys named 2017 Massachusetts Super Lawyers and Rising Stars
- David Rich quoted in Boston Globe on firm's suit against CVS

## Results

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- David Rich obtains defense verdict defeating abuse of process claim
- Firm obtains summary judgment defeating MA Wage Act claim for Sunday premium pay
- Following bench trial David Rich obtains defense verdict in limited partnership dispute
- David Rich obtains defense verdict defeating Chapter 93A claim
- Firm obtains dismissal of defamation suit under MA anti-SLAPP statute
- David Rich, Ben Wish obtain favorable ruling from SJC under Mass. Tort Claims Act
- David Rich, Jennifer Scully obtain jury verdict rejecting associational handicap discrimination claim
- David Rich obtains federal jury verdict in business partnership dispute
- First Circuit upholds defamation verdict for Saudi Arabian scientist
- MA Appeals Court affirms \$2.9M defamation verdict for client

- Firm obtains one of the largest 2016 verdicts in Massachusetts