

**Michael S. D'Orsi**  
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#### EDUCATION

JD, *magna cum laude*, Harvard Law School, 1994  
BA, *summa cum laude*, Yale University, Phi Beta Kappa, 1991

#### CLERKSHIP

Hon. Joseph L. Tauro, United States District Court for the District of Massachusetts, 1994-1995

#### BAR ADMISSIONS

Massachusetts, Illinois



**Michael S. D'Orsi**

Michael S. D'Orsi, a partner of the firm, focuses his practice on business litigation in a wide range of industries. He regularly represents both corporate and individual clients in prosecuting and defending civil cases involving breach of fiduciary duties, unfair competition, restrictive covenants, and trade secrets as well as a wide variety of contract disputes, including claims for breach of representations and warranties following business acquisitions, and contests concerning parties' indemnification obligations. In addition, he serves as local counsel on numerous lawsuits in both federal and state court, involving, among other things, patent infringement, the federal false claims act, and

the securities laws. Mr. D'Orsi's practice also includes the defense of white collar criminal matters and enforcement proceedings brought by the Securities and Exchange Commission, including government investigations of insider trading, export regulation violations, and the "Big Dig" public works project in downtown Boston.

Mr. D'Orsi graduated summa cum laude from Yale University in 1991 where he was elected to Phi Beta Kappa and was recognized for distinction in the history major. He received his J.D., magna cum laude, from Harvard Law School in 1994. Following his graduation from Law School, he served as law clerk to the Hon. Joseph L. Tauro, then Chief Judge of the United States District Court, District of Massachusetts in Boston. From 1995 to 1997 he was an associate at Ropes & Gray in Boston, Massachusetts, practicing both health care law and litigation. From 1997 to 2002 he was an associate in the Chicago litigation boutique firm, Miller Shakman & Beem LLP.

Recent engagements include:

#### Business Litigation

- Prosecuting breach of contract and misappropriation of trade secrets action on behalf of a national software company against a competitor where the competitor failed to pay licensing fees and improperly used and distributed proprietary programming code.
- Defending a global communications company in a breach of contract and unjust enrichment action involving the development of a statewide fiber-optic network.
- Representing distributor of skin care products in dispute with national manufacturer and supplier concerning internet discounting and distributorship exclusivity.
- Securing a preliminary injunction for a national footwear company in litigation against a former employee for interference with advantageous business relations when the employee moved to a competitor.
- Obtaining dismissal of an action brought by a municipality against a company executive concerning plant user charges. See *Templeton Board of Sewer Commissioners v. American Tissue Mills of Massachusetts, Inc.*, 352 F.3d 33 (1st Cir. 2003).
- Obtaining dismissal of claims brought by student loan recipient against various lending institutions alleging, among other things, violations of the Fair Credit

Reporting Act and Fair Debt Collection Practices Act. See *Gibbs v. SLM Corp., et al.*, 2005 WL 5493113 (1st Cir. 2005).

- Securing a mandatory preliminary injunction in favor of a regional convenience store franchiser against a former franchisee, requiring the franchisee to transfer its beer and wine license to the franchiser pursuant to an option agreement.
- Representing a corporate executive in a lawsuit alleging improper access to a competitor's computer system.

#### **Employment Litigation**

- Successfully defending a medical consulting company and several of its employees against a competitor's motion for a preliminary injunction alleging violation of non-competition and non-solicitation agreements and misappropriation of trade secrets.
- Prosecuting a civil action for employee raiding on behalf of a national publishing company against a competitor when its employees resigned en masse to work for the competitor.

#### **White Collar Criminal and Regulatory**

- Representing present and former employees of a major pharmaceutical company in connection with a federal investigation concerning alleged healthcare fraud.
- Representing an individual in a government investigation concerning alleged violations of laws limiting the export of medical devices to the Middle East.
- Successfully defending individuals in SEC insider trading investigations.

Mr. D'Orsi has been named by Boston Magazine as a Massachusetts Super Lawyer Rising Star in the category of General Litigation (2005, 2009).

He is President of the Massachusetts Appleseed Center for Law and Justice, and has participated in projects helping to ensure education for homeless children, seeking to mitigate the effects of school disciplinary proceedings on student drop-outs, and providing volunteer mentors to Boston area youth who are in the Suffolk Juvenile Court's jurisdiction.

Mr. D'Orsi is admitted to the bar in Massachusetts, Illinois, the United States District Courts for the District of Massachusetts and the Northern District of Illinois, and the United States Court of Appeals for the First Circuit. He is a member of the Massachusetts Bar Association and Boston Bar Association.

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