

25 Years of Service

Business Guidance
Litigation Prowess
Financing Acumen
Real Estate Vision
Environmental Expertise
Employment Advice
Trusts & Estates Planning
Making Law



DAVIS MALM &
D'AGOSTINE P.C.

ATTORNEYS AT LAW

25 YEARS ON THE LEGAL FRONTIER

On April 1, 1979,
Davis, Malm & D'Agostine
was born . . .



(photo circa 1985)

With great expectations, a healthy dose of faith
(and hopes for lots of luck in difficult times),
Harold R. Davis, C. Michael Malm, Julian J. D'Agostine
and others opened the doors of a different kind of law firm:

Client-centered, team-oriented, responsive and creative-thinking.

What started as a real estate boutique twenty-five years ago has
grown to a prominent and respected full-service firm assisting
diverse clients with their business, financing, litigation, real estate,
environmental, employment, tax and estate planning needs.

Davis Malm at 25

25 years. Davis Malm has provided legal services to more than 10,000 clients. Whether a client is an individual or a business, local or international, mom and pop or Fortune 500, we work to understand each client's unique business and personal needs, so we can provide the most practical advice and the best legal services possible. The attorneys at Davis Malm pride themselves on being accessible, dedicated and personally involved from beginning to end of every matter. Over the years, we have been proud to be a part of the successes of our clients.

Recently, we worked with a long-standing client who became the proud new owner of the Los Angeles Dodgers. For one of our first clients, we handled the recent acquisition of a \$500 million rival that made this client the leading provider of environmental and hazardous waste management services in North America. We represent clients before all courts and just won a United States Court of Appeals decision in a significant copyright damages case. And as many people know, we obtained for one client what is believed to be the largest civil verdict in Massachusetts history.

In the process of providing our best to our clients, we and our clients have accomplished much over the years. Take a look ...



Did You Know?

25 Years of Business Guidance

Enterprising lawyers? We are. From those first days in April 1979, Davis Malm has worked with businesses to realize their goals and dreams; from the first hasty scrawl on a cocktail napkin, to formation, infusion of capital, day-to-day operations, public offerings, sales, acquisitions and mergers, Davis Malm helps businesses thrive.



Client Close-ups

Clean Harbors Environmental Services, Inc.

Since its inception in 1980, Clean Harbors has grown to become North America's leading provider of environmental and hazardous waste management services. Clean Harbors is a publicly traded company that maintains a vast network of service centers and waste management, treatment and disposal facilities and provides a broad range of environmental services to over 175 Fortune 500 companies. Davis Malm has assisted Clean Harbors with its legal needs from its formation, to its public offerings, to its latest acquisition of the Chemical Services Division of Safety-Kleen Corp.



Trigen-Boston Energy Corporation

Trigen supplies energy for heating and cooling to over 230 large users in Metro Boston. Davis Malm advises Trigen on its operations and business expansion.



Interpolymer Corporation

Interpolymer Corporation is a Massachusetts-based, privately held polymer development company that ranks among the world's premier suppliers of specialty polymer dispersions. Davis Malm has served as outside general counsel to Interpolymer for the last 15 years.



New England Office Supply

New England Office Supply (NEOS) is one of the largest independent providers of office, furniture, business and technology products in New England, and is SOMW-BA certified by the Commonwealth of Massachusetts as a minority/woman-owned firm. Davis Malm attorneys have represented NEOS through three acquisitions, bank financings, leasing arrangements and day-to-day legal matters.



25

Years of Service

Genesys Software Systems, Inc.

Genesys is a recognized leader in solving human capital management problems. Davis Malm assists Genesys with litigation, risk management and contract negotiation matters.



Natick Golf Learning Center

Natick Golf Learning Center provides golf instruction and recreation in an enjoyable setting designed to enhance the learning experience and enjoyment of the game. Davis Malm has represented Natick Golf Learning Center since 1998, providing expertise and advice to this growing business.

Optikos Corporation

Optikos Corporation, a privately held Massachusetts corporation is the world's largest manufacturer of equipment for measuring optical image quality. Optikos has built a worldwide reputation solving optical dilemmas for business and industry. Davis Malm has been corporate counsel to Optikos since its incorporation in 1982.



Compurex Systems Corporation

Compurex Systems Corporation, a privately held Massachusetts corporation, is a nationally recognized worldwide reseller of computer hardware equipment. Davis Malm has been corporate counsel to Compurex for more than 15 years.

U.S. Mills, Inc.

U.S. Mills has been at the forefront of the natural foods industry with such product lines as Erewhon®, Farina®, New Morning®, Skinner's® Raisin Bran and Uncle Sam® Cereal. Davis Malm is pleased to have worked closely with U.S. Mills and its management team since they acquired the Company in 1987.



Stall & Dean Manufacturing Co.

Stall & Dean manufactures all manner of sports equipment and apparel for amateur, collegiate and professional athletes. Davis Malm has helped Stall & Dean transform from a brick and mortar company into a highly successful licensor with one of the most coveted names in sporting goods licensing. Today, Davis Malm continues to represent Stall & Dean in all of its business affairs.



Copy Cop, Inc.

Since opening its doors in 1967, Copy Cop has grown from one location to a network of 14 Boston-area corporately owned hubs. Davis Malm is proud to have been with Copy Cop since its inception.



Braintree Laboratories, Inc.

Braintree Laboratories is a privately held Massachusetts-based manufacturer and marketer of high-quality prescription pharmaceuticals. Davis Malm has represented the Company since 1993 as general counsel.

F.W. Webb Company

Founded in 1866, F.W. Webb Company is the largest distributor of plumbing, heating, cooling, and piping products in the Northeast. Davis Malm has represented F. W. Webb as general counsel since 1982.



Benthos, Inc.

Benthos, Inc. is a Massachusetts-based, public company that is a leading provider of high technology products and integrated systems for measurement, inspection data collection and communications in remote and challenging environments serving the undersea and packaging inspection industries. Davis Malm has served as outside general counsel to Benthos since 1996.



Did You Know?

25 Years of Litigation Prowess

Resolving disputes is what it's all about. The litigation battle is not always the best strategy, but sometimes it's unavoidable. And, it's never easy. By truly understanding our clients' businesses or personal needs and goals, Davis Malm can ease the pain of litigation. For the past 25 years, we have handled disputes in almost every conceivable area: business disputes that concern corporate governance, freeze-outs, fiduciary duties, securities or contracts; real estate and environmental issues that range from permitting, zoning, title problems to Superfund cleanup; employment issues that run the gamut from contested noncompete agreements, employment terminations to allegations of discrimination and harassment; and intellectual property issues ranging from licensing and franchising to royalty disputes. And all with one common goal—to prevail for our clients in the courtroom or at the settlement table.



Case Close-ups

McCarthy v. Tobin

Our long time client, John McCarthy, President of the Translease Group, came to us when he was seeking to purchase a condominium unit. He had signed a preliminary "Offer to Purchase Real Estate" form with the seller and he had negotiated a purchase and sale agreement but the seller refused to sign and entered into an agreement to sell the condominium unit to a third party, taking the position that Mr. McCarthy's time for entering into the purchase and sale agreement had run out. We filed an action seeking to enforce the Offer. We prevailed at the Supreme Judicial Court, thereby establishing new law regarding the enforceability of offers to purchase real estate in Massachusetts.

Striar v. AMI

In 1992, our client came to Davis Malm believing that it had been seriously wronged in the sale of two hospitals to an international hospital holding company. The grievance was not neatly addressed by the contract at hand. Davis Malm employed contract law creatively and in the end achieved a \$6.8 million judgment for our client.

Sudbury v. Scott

Davis Malm represented Brendon Homes, Inc., a senior housing developer, the buyer of a portion of a former farm subject to special agricultural taxation and restrictions. This was the first Massachusetts case to address issues related to the conversion of farmland to other uses.

Powell v. Stevens

Davis Malm attorneys were approached to assume defense of a case at the brink of trial in which an adverse party sought to establish its right to take from our client a valuable property in Boston's Back Bay neighborhood. On short notice, we prepared the case for trial and established a defense that was so effective that the trial judge directed a verdict in favor of our client.

Petion v. Hanlon

This case established our client's status as a corporate shareholder when it was initially denied by one of the founders who controlled the books and records of the corporation. We also obtained an order requiring the defendant to reimburse the corporation for sums expended as legal fees in the defendant's unsuccessful defense of the case. We currently represent the corporation in ongoing business matters.

Litigation Avoided

Our client, a minority owner in a family business, came to us for litigation advice regarding a buyout offer of \$2.4 million from members of his family for his share of the business. Concerned that the offer was inadequate and worried about potential improprieties by other participants in the business, our client retained Davis Malm to represent his interests. We ultimately averted a lawsuit and successfully negotiated a buyout of our client's share of the business for \$3.65 million.

Demoulas v. Demoulas

This litigation began in 1990 as a contested dispute over ownership of the DeMoulas Supermarket chain and ended in 2000 with what is believed to be the largest judgment in Massachusetts history. In 2002, the case earned a place in history when it was selected by *Massachusetts Lawyers Weekly* as one of "The 30 Most Memorable Cases of the Last 30 Years." Davis Malm is proud to have played a key role in obtaining this award for our client, restoring rightful ownership, and, along the way, pioneering new law in the areas of fiduciary duties and derivative claims.

20 Atlantic Avenue Corp.

Davis Malm is presently representing 20 Atlantic Avenue Corp. and its principal in multimillion dollar federal court litigation with respect to both a product supply contract for the Company's waste recycling facility and an unconsummated sale of the facility to a national waste transportation and recycling corporation.

Mantos v. Avery Dennison Corporation

Davis Malm attorneys obtained an across-the-board defendant's verdict in a multi-count case in which a discharged executive asserted that he was entitled to a substantial termination payment and other compensation for his termination that resulted from a change of control.

Ruggles Center v. Beacon Construction Company

We represented a subcontractor in a multi-party "sick building" case that was resolved through an unprecedented 30-plus party mediation that occurred during multiple sessions over a two-month period.

Merchants Row, Inc. v. 21 Merchants Row Corp.

Davis Malm attorneys successfully defended our commercial landlord client against a tenant's claim that the landlord's refusal to consent to an assignment of the lease interfered with the tenant's contract to sell its business. In the course of defending the case, we obtained a landmark decision regarding lease assignments.

25

Years of Service

Did You Know?

25 Years of Financing Acumen

Money makes the world go round. Whether capitalizing or financing a startup, obtaining mezzanine funding, arranging securitized or government-assisted financing, financing an acquisition, structuring a taxable or tax-exempt bond issue, restructuring debt, arranging a workout, or reorganizing under Chapter 11, Davis Malm has the expertise to handle all facets of the legal transaction. We have represented lenders in over 1,300 commercial lending transactions, many of which were loans under U.S. Small Business Administration (SBA) programs, and over 250 private activity bond transactions by the Massachusetts Development Finance Agency and other state and local issuers, including local housing authorities.



Client Close-ups

CIT Small Business Lending Corporation

CIT is a national leader in providing financing for small and medium sized businesses, extensively using the SBA Section 7(a) Program. Davis Malm has represented CIT since 1996.



UPS Capital Business Credit

UPS Capital Business Credit is a subsidiary of United Parcel Service of America, Inc. UPS has significant expertise in the use of the SBA Section 7(a) Program and the U.S. Department of Agriculture business lending program. Davis Malm has represented UPS in Massachusetts and Northern New England for ten years.

New Boston Seafood Center

Davis Malm counseled four local seafood companies in financing the construction of the New Boston Seafood Center, a leasehold condominium, through an innovative and complex combination of tax-exempt bonds, a HUD Section 108 loan, a federal empowerment grant and a ground lease from the Boston Economic Development and Industrial Corporation.

New England Partners

New England Partners is a Boston-based, venture capital firm making equity investments in technology, healthcare, and consumer product companies. NEP has made investments in over 45 portfolio companies, resulting in a strong record of investment realizations through sales, IPO's and mergers. Davis Malm works closely with NEP concerning its investments, acquisitions, financings and business sales.



25

Years of Service

Micro Robotics Systems, Inc.

Davis Malm represented Micro Robotics Systems in its \$65 million acquisition by Newport Corporation for publicly traded securities and cash.

Accord Real Estate Group, Inc.

Accord Real Estate Group is a hotel developer, with offices in Massachusetts, that develops hotels in various parts of the United States. Davis Malm has represented Accord in connection with the equity financing and special purpose entity debt financing for a Marriott Fairfield Inn and a Hilton Gardens Inn, both located in Fort Myers, Florida.



Massachusetts Business Development Corporation

Mass Business provides financing for small and medium size businesses and often assists Massachusetts banks in serving the financing needs of their customers. Mass Business is a recognized leader in using the SBA Section 7(a) and Section 504 Programs. Davis Malm has represented Mass Business since 1984.

Mass MoCA Expansion

Davis Malm recently represented the Massachusetts Department of Housing and Community Development and the City of North Adams in a \$12 million financing deal for the Massachusetts Museum of Contemporary Art, including a \$3.8 million loan under the HUD Section 108 Loan Guaranty Program. These much-needed funds will help expand the museum and provide rental income to subsidize the museum's operations.



Brook Venture Fund, L.P.

Brook Venture Fund, L.P. is a venture capital fund that provides \$1-3 million of equity capital to expansion-stage, revenue-generating companies in the information technology and medical technology fields. Now investing from its second fund, Brook has invested in more than 19 companies to date within New England, as well as the Baltimore area. Davis Malm has represented the Brook Fund in each of its investments.



BROOK VENTURE PARTNERS

Markley Stearns Partners

Davis Malm recently represented Markley Stearns, a real estate development, leasing and consulting firm that focuses exclusively on the highly specialized space requirements of the telecommunications industry, in a financing workout with Bank of America involving \$84 million of debt with properties in California, Nevada and Massachusetts.

Clean Harbors Acquisition of Safety-Kleen Corp.'s Chemical Services Division

Davis Malm represented our long-standing client Clean Harbors in the acquisition of Safety-Kleen Corp.'s Chemical Services Division for \$34 million in cash and the assumption of \$185 million of environmental liabilities. This acquisition, which involved \$260 million of new financing, makes Clean Harbors the largest provider of hazardous waste and emergency response services in North America with revenues of \$600 million, 4,000 employees and over 30,000 customers.



Citizens Bank

Citizens Financial Group, Inc., is a Providence-based, commercial bank holding company that operates more than 880 Citizens Bank branch offices in Connecticut, Massachusetts, New Hampshire, New Jersey, Rhode Island, Pennsylvania and Delaware. Davis Malm regularly represents Citizens Bank in a variety of lending transactions, including commercial, real estate and SBA loans.



Did You Know?

25 Years of Real Estate Vision

Land is our foundation. Since our opening day, real estate has been our business and our passion. We have helped our clients realize their dreams by partnering with them every step of the way. Our firm has handled thousands of commercial and residential real estate matters requiring expertise in every area: planning, permitting, acquisition and sales, development, financing, leasing, litigation, affordable housing and the creation, conversion and representation of condominiums. We have participated in transactions involving billions of dollars of commercial property and thousands of homes in the New England area, including hundreds of affordable housing units—one building at a time.

Client Close-ups

The McCourt Company

The McCourt Company is a leader in Boston's real estate and development industry. The Company has been a client of Davis Malm since 1982. In addition to our involvement with numerous McCourt development projects over the years, we recently assisted Frank McCourt in his purchase of the Los Angeles Dodgers and related real estate.

First Student, Inc.

First Student operates 16,000 school buses and is responsible for transporting safely to and from school over one million students across the United States and Canada. First Student came to Davis Malm in 2002 needing, in only two months time, to find and lease five separate facilities to store and maintain Boston's nearly 700 buses, and obtain operating permits for them in just a few months. We helped First Student fulfill its obligations under its bid for the Boston School Transportation Contract, allowing First Student to win the contract and save the City of Boston \$50 million over the five-year contract.

Vazza Properties

From commercial development and leasing, to residential developments, Chapter 40B expertise and assisted living housing, Vazza Properties is a leader in the Massachusetts real estate market. Davis Malm has worked closely with Vazza Properties since the early 1990's with all of its planning, permitting, development, financing, leasing, sales and litigation matters.



25

Years of Service

Verizon Information Services

A division of Verizon, Verizon Information Services produces the Internet's preeminent online directory and shopping resource, SuperPages.com, and world-leading print yellow pages, SuperPages. In 1998, Davis Malm began preparing leases regionally for Verizon Information Services. Verizon was so pleased with the service and attention it received from Davis Malm that now Davis Malm does all of Verizon's leases nationwide.

Tedeschi Realty Corporation

Tedeschi Realty Corporation is a diversified real estate development, construction and property management company based in Rockland, Massachusetts. Since its incorporation in 1956 as the construction and real estate holding arm of Tedeschi Supermarkets, the company has evolved into a leading developer and manager of supermarket-anchored retail centers in Southern New England. Davis Malm is proud to have worked with Tedeschi Realty for all of Davis Malm's 25-year history.



Conroy Development

Conroy Development is a full-service commercial real estate development and investment company specializing in office and industrial properties. Founded in 1982, Conroy Development has established a significant track record of success with over five million square feet of development and investment properties in Greater Boston—projects totaling over \$500 million in value. Davis Malm is proud to work with the management team at Conroy Development.



The 495 Realty Group

The 495 Realty Group, Inc. is a full service real estate brokerage company with offices in Westborough and Hudson, Massachusetts. Davis Malm assisted in the formation and business planning of The 495 Realty Group, Inc. and continues to provide it with legal services to this day.



Boyd/Smith, Inc.

Boyd/Smith, Inc., established by Paul W. Boyd and F. William Smith, is a property management and development firm. Known primarily for its management of the luxury 560-unit Church Park Apartments in Boston, Boyd/Smith has successfully developed numerous other first class rental, condominium and single-family properties in suburban Boston. Davis Malm is proud to have worked for 25 years with the management team at Boyd/Smith.

KinderCare

KinderCare Learning Centers, Inc. is the leading United States provider of quality early childhood education and care to children between the ages of six weeks and 12 years. KinderCare and its subsidiaries operate 1,249 early childhood education and care centers and serve approximately 120,000 children and their families. Davis Malm has been working with KinderCare Learning Centers to obtain permits for a childcare facility in Westford, Massachusetts. The building is now complete and open for business.



Benjamin Builders

Benjamin Builders is a Massachusetts-based residential builder and developer of fine quality homes. Davis Malm represents Benjamin Builders in all aspects of its business including the permitting of residential subdivisions and issues arising out of the development of those projects.

The Bernardi Auto Group

The Bernardi Auto Group operates leading auto dealerships in Boston and the Metro West area, with franchises from Honda, Acura, Toyota, Audi and Volkswagen. The Bernardi team has been long recognized for its high standards of service, professionalism and customer satisfaction. Davis Malm has been proud to work with the Bernardi team for almost 20 years.



Phaeton Corporation

Phaeton Corporation is a premier developer of high-end condominiums in the Back Bay and MetroBoston. Davis Malm has represented Phaeton and its affiliates for more than 25 years.

Did You Know?

25 Years of Environmental Expertise

Naturally, a firm that came of age in the 1980's, when environmental regulations in this country also grew, should be expert in environmental law. We are. While the laws were developing, so too were we—adapting to and solving new environmental, statutory and regulatory problems. Businesses needed to traverse new terrain and comply with new requirements, and still do. Whether the issue is contaminated property, wetlands permitting, waterways licenses, government enforcement or Brownfields transactions, Davis Malm finds the solution. Davis Malm has been there and will be there to guide businesses through this changing landscape.



Avery Dennison Corporation

During the 20th century, Dennison Manufacturing Company became a leading manufacturer of office supplies (including labels, markers, and binders) as well as tickets, tags and labels for apparel and retail applications. In 1990, Dennison Manufacturing and Avery International merged to form Avery Dennison, now a Fortune 500 company and a global leader in pressure-sensitive technology and innovative self-adhesive solutions for consumer products and label materials. The Company first came to Davis Malm in 1989 regarding the defense of a Federal Superfund claim — and 15 years later, we continue to represent Avery Dennison in environmental matters as well as a full range of other legal needs for its New England-based businesses.



Rockland Industries

Operating its business on property discovered to be contaminated, Rockland Industries needed to comply cost-effectively with regulatory requirements. Davis Malm has counseled the Company toward a solution and represents the Company before the Department of Environmental Protection in resolving the situation.

Pickering Wharf Hotel Construction Co.

Davis Malm represented our client in obtaining a Chapter 91 waterways license for a new hotel, and successfully defended the issuance of the license at an adjudicatory hearing.

Hillside School, Inc.

Founded in 1901, the Hillside School is a private boarding school for boys in grades 5-9. Originally situated on 250 acres of farmland in Marlborough, Massachusetts, the School called on Davis Malm to help it convert 100 acres of unused farm land into an endowment by partitioning and then leasing the land along the Assabet River for a commercial development.

Case Close-ups

Carmichael v. Wynn & Wynn, P.C.

Davis Malm prevailed in an important sex discrimination case at the Supreme Judicial Court. The SJC took the opportunity to clarify the burden of proof in "mixed-motive" bias cases. These are cases in which an employer may have had a discriminatory motive as well as a legitimate motive for an employment decision. The firm had prevailed in this case at the Massachusetts Commission Against Discrimination and in the Superior Court prior to the decision by the SJC.

West Coast Distributing v. Coast to Coast Produce, LLC

Davis Malm successfully defended a local wholesale broker of fruits and vegetables in an action brought against the Company for allegedly misappropriating confidential trade secrets by hiring three former employees of a competitor. The Suffolk County Business Litigation Court denied the plaintiff's request for an injunction prohibiting our client from employing the plaintiff's former employees. The Company and its new employees were thereby permitted to continue in their regular business.

Gauthier v. Saturn of Natick

Davis Malm successfully defended Saturn of Natick, a Clair Company, against a claim of handicap discrimination based on obesity. Saturn of Natick was able to prove at a public hearing at the MCAD that the plaintiff's weight was not a handicap and that our client did not engage in discrimination.

Coultas v. Holiday Inns

In this groundbreaking federal court case, we won an injunction and then successfully resolved sexual harassment and age discrimination charges brought by our clients, a number of employees at Holiday Inns.

Wendy's International, Inc.

Davis Malm has counseled Wendy's and a number of its franchisees concerning numerous employee-related matters.



Did You Know?

25 Years of Employment Advice

Livelihoods depend on employment. Davis Malm understands what's at risk and what's to gain with every employment issue. That is why we have always been diligent and focused in our advocacy for employers and employees. We develop and implement comprehensive employment policies, personnel manuals and affirmative action plans, and we regularly conduct trainings and employment practice audits. We handle negotiations of both executive compensation and severance arrangements. At the end of the employment relationship, our clients call upon us to address termination decisions and noncompete agreements. And when necessary, we litigate a full range of employment disputes.



Did You Know?

25 Years of Trusts and Estates Planning

Death & Taxes. Davis Malm challenges this inevitability by providing creative planning services to individuals, families, business owners, trustees and executors. While we cannot change the certainty of death, we assist clients ably in putting their affairs in order, ensuring that they leave behind a lasting legacy that reflects their personal values. We have the expertise to create estate plans that are tax-sensitive while focused on achieving our clients' goals in terms of family support and independence, wealth preservation, philanthropy, and business succession.

Business Succession

A major shareholder of a large privately held corporation sought our counsel in passing his business interests to his children in a tax efficient way. We implemented a series of Grantor Retained Annuity Trusts, effectively transferring 75% of our client's stock to his children without incurring current gift or estate taxes.

Planning for the Disabled

We assisted the guardian of a brain-injured client who had won a substantial jury award to create and obtain Court approval of a trust to manage and preserve the proceeds. At the direction of the Court, a Davis Malm principal will be serving as the professional trustee of the trust on an ongoing basis. We also developed a plan for the client to make significant gifts to family members in a tax-efficient way and had that plan approved by the Court as well.

Long-term Legacies

We assisted a widow in her late 70's who had transferred her vacation property to a Qualified Personal Residence Trust in which she retained the right to live in the property for ten years, and the ten year period was coming to an end. With the assistance of Davis Malm business and real estate lawyers, we protected the potential estate tax savings and her right to enjoy the property. We also added generation-skipping trusts to her estate plan providing a long-term legacy for her grandchildren and future generations.

Philanthropic Planning

We created an estate plan for a client who lost a child in a motor vehicle accident and suffered physical injuries in the accident as well. We worked with her to refine her philanthropic goals with the result that at the time of her death, two permanent charitable funds will be established in her name at a community foundation. In one of these funds, our client has created an endowment for specific charities of her choosing. In the other, she has directed the community foundation to seek out and contribute annually to charities that assist accident victims.



25 Years of Making Law

Here are a few examples where we've had a lasting impact on the law:

Corporate Governance Davis Malm lawyers argued before the Supreme Judicial Court and shaped new law in the areas of fiduciary duties and derivative claims – *Demoulas v. Demoulas*.

Contracts Davis Malm lawyers obtained from the Massachusetts Supreme Judicial Court a ruling that an offer to purchase residential real estate under certain circumstances was a binding contract – *McCarthy v. Tobin*.

Arbitration Davis Malm lawyers prevailed in the Rhode Island Supreme Court and helped shape the standard applicable to a petition to vacate an arbitration award and obtained an affirmation of an arbitrator's award and judgment in our client's favor – *V.S. Haseotes & Son, L.P. v. Haseotes*.

Business Acquisitions Davis Malm lawyers obtained a decision from the Massachusetts Appeals Court that a contract incorporated by reference into an acquisition agreement could be enforced by a party to the acquisition agreement who was not also a signatory to the incorporated contract – *Striar v. AMI*.

Condominium Development Our lawyers won an important ruling from the Supreme Judicial Court giving developers great flexibility in creating condominiums and overruling a vexing Appeals Court decision – *Queler v. Skowron*.

Zoning Permits Davis Malm lawyers obtained from the Supreme Judicial Court a ruling that an abutting municipality's planning board could not challenge the issuance of a permit by an abutting town – *Planning Board of Marshfield v. Zoning Board of Appeals of Pembroke*.

Employment Discrimination Our lawyers won a decision in the Supreme Judicial Court upholding a verdict for our client on her claim of pregnancy discrimination, a decision which sets forth new law on the burden of proof in "mixed-motive" bias cases – *Carmichael v. Wynn & Wynn, P.C.*

Landlord and Tenant Davis Malm lawyers obtained a landmark decision by the Supreme Judicial Court upholding the right of a commercial landlord to disapprove a lease assignment by the tenant – *Merchants Row, Inc. v. 21 Merchants Row Corp.*

Development Challenges Davis Malm lawyers prevailed before the Supreme Judicial Court and helped determine the procedures for appeals from decisions of the Boston Redevelopment Authority – *St. Botolph Citizens Committee v. Boston Redevelopment Authority*.

Documents Under Seal Davis Malm attorneys argued a case in which the Supreme Judicial Court abolished the ancient doctrine that a signature "under seal" may serve as consideration to support an option contract and adopted the modern rule laid out in the *Restatement of Contracts* – *Knott v. Racicot*.

Wetlands Protection Davis Malm lawyers recently obtained from the Middlesex County Superior Court a ruling related to the interaction between state and municipal regulation of wetlands – *Hobbs Brook Farm Property Company v. Conservation Commission of Lincoln*.

We are proud to have served our clients well and we are determined to continue to do so. We realize our success is linked to our clients' successes, and we are grateful for the opportunity to have worked with such outstanding businesses and individuals over the last 25 years.



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