

# Christian W. Habersaat

*Director*

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Chris Habersaat advises clients in a variety of complex litigation matters, representing private and public companies, governmental agencies and individuals before federal and state courts, administrative agencies and arbitration tribunals.

With more than 25 years of experience, Chris' practice focuses on the preparation and trial of complex civil cases involving a broad range of business and commercial issues, including matters dealing with business contracts and torts, land use and property disputes, construction matters, complex insurance coverage disputes and data privacy and cybersecurity matters. Chris also has extensive experience representing companies and individuals in governmental investigations, civil enforcement actions and investigation-related litigation. His clients include commercial property owners and developers, retailers, restaurants and hospitality groups, healthcare providers, as well as individuals.

Admitted in Massachusetts and New York, Chris has served as lead trial counsel in numerous trials in both MA and NY and has been appointed as a Special Assistant Attorney General for the Commonwealth of Massachusetts to defend the Commonwealth litigation brought in Massachusetts and New Jersey.

## **Accolades**

- *Boston Magazine* Top Lawyers, Civil Litigation/Defense, 2021
- Martindale Hubbell Peer Review Rated AV Preeminent TM
- Community Resources for Justice CEO Award Recipient 2012
- Massachusetts SuperLawyer – Rising Star, 2005

## **Affiliations**

- Zoning Board of Appeals, Boxborough, MA
- Acton Boxborough Youth Soccer, Board of Directors and past President

- Friends of Lower Fields, Board Member
- Boston Bar Association
- New York Bar Association
- Real Estate Bar Association (REBA)

### **Admissions**

- Massachusetts
- New York

### **Education**

- Drew University (B.A., 1988)
- Suffolk University Law School (J.D., *cum laude*, 1993)

## **Community**

Chris is committed to *pro bono* work and represents a number of organizations, including *Community Resources for Justice*, a Massachusetts-based organization that has worked for over 130 years in matters relating to social justice.

Chris is a board member of the Friends of Lower Fields, a non-profit organization that was instrumental in developing a \$3M sports complex in Acton, Massachusetts for use by the high school, youth sports programs and the community.

Chris is a past President of Acton Boxborough Youth Soccer and is a long-standing member, and former chairman, of the Boxborough Zoning Board of Appeals.

## **Representative Matters**

### **Harvard Square Properties Sell for \$108 Million**

Lead counsel representing a family holding a 50% ownership interest in historic and prominent buildings on Brattle Street in Harvard Square in complex Massachusetts Land Court partition litigation resulting in the sale of the commercial properties for \$108M.

### **\$2.5 Million Arbitration Award**

Lead counsel representing a Boston-based seafood company in a commercial arbitration to determine the value of the business income and extra expense losses the company sustained following the shutdown of its main distribution facility resulting in an award in excess of \$2.5M.

### **\$2.7 Million Recovery After Trial for Construction Related Property Damage**

Lead trial counsel representing a commercial property owner in state court in Manhattan against a developer in connection with significant property damage sustained to our client's building caused by construction activity at the adjoining property. After a 13-day trial, secured a judgment in excess of \$2M, plus an award of attorney's fees.

### **Data Privacy Action Under Massachusetts Data Privacy Laws**

Represented a Boston-based restaurant/hospitality group in connection with a civil enforcement action brought in state court by the Massachusetts Attorney General under the State's data privacy law, G.L. c. 93H, following a data and cybersecurity breach involving access to consumer credit card information.

### **Data Privacy and Cybersecurity Investigation and Response**

Represented a hotel/hospitality group in connection with data privacy and cybersecurity matters resultant from a governmental investigation into the reported release of personal information on account of a breach through vendor-supplied POS software.

### **Land Use: Summary Judgment in Right to Use a Private Way to Access Property Litigation**

Lead counsel representing a commercial property owner in successfully prosecuting litigation in the Land court concerning a commercial property owner's right to use a private way to access its property after claims of trespass and nuisance were asserted by fee owner of the private way.

### **Land Use: Summary Judgment in Easement for Light and Air Litigation**

Represented at the trial and appellate level a property owner in a lawsuit brought by an abutting property owner claiming that an "easement for light and air" prevented the commercial development of a building in a manner that would obstruct the windows of the abutter's building.

### **Land Use: Summary Judgment in Property Transfer Restriction Litigation**

Lead counsel representing limited liability company in successfully defending litigation challenging the transfer of interests in several commercial properties in Wellesley, MA on the basis that the transfer violated a "transfer restriction agreement" executed by the parties.

### **Land Use: Expedited Dissolution of a Lis Pendens**

Represented commercial developer at the trial and appellate level in a case of first impression in Massachusetts under G.L. c. 231, §15, resulting in the expedited dissolution of a *lis pendens* and the award of attorney's fee and costs.

### **\$114 Million Bid Protest Filed With the Federal Transit Authority**

Lead counsel representing Massachusetts Bay Transportation Authority in the successful defense of an administrative bid protest filed with the Federal Transit Authority by an unsuccessful bidder to a \$114M contract for purchase of diesel locomotives.

### **\$155 Million Bid Protest Litigation**

Lead counsel representing Massachusetts Bay Transportation Authority in the successful defense of lawsuit brought by an unsuccessful bidder challenging the award of a \$155M contract for paratransit services known as THE RIDE.

**\$100 Million Bid Protest Litigation**

Represented Massachusetts Transportation Authority in a series of lawsuits in the trial and appellate courts challenging the award of a \$100M contract for the manufacture and installation of system-wide automatic fare collection equipment.

**Summary Judgment in Class Action Lawsuit Regarding FASTLANE Toll Discount Program**

Appointed Special Assistant Attorney General and acted as lead counsel in the successful defense of a class action lawsuit brought in Federal Court in New Jersey, and in the Third Circuit Court of Appeals, by a class of out-of-state residents challenging the constitutionality of the Massachusetts Turnpike Authority's FASTLANE toll discount program.

**Representing a Pharmacy Services Provider in a Constitutional-Based Lawsuit**

Lead counsel representing a pharmacy services provider in a constitutional-based lawsuit filed in Federal Court challenging the termination of a State correctional facilities pharmaceutical contract

**Lawsuits Alleging Bodily Injury and Property Damage Claims**

Represented commercial property owners in lawsuits alleging bodily injury and property damage claims arising out of alleged exposure to mold.

**Administrative Enforcement Proceedings Brought by the EPA and the Department of Environmental Protection**

Represented property owners in administrative enforcement proceedings brought by the Environmental Protection Agency and the Department of Environmental Protection arising out of alleged illegal landfilling, disposal of hazardous materials and filling of wetlands.

**Matters Involving Structural and Subsurface Failures of Buildings Causing Property Damage and Business Interruption**

Represented real estate entities in several matters involving structural and subsurface failures of buildings sustained at retail locations throughout the U.S. causing extensive property damage and interruption of business.

## Publications

March 30, 2020

**No, Insurance is Not the Solution to the Problem**

July 2018

**Restrictions on Property Transfer Deemed Invalid**

Massachusetts Lawyers Weekly

March 31, 2015

**Managing the Risky Business of Loyalty Programs**

Fall 2007

**"Alternate Dispute Resolution in Land Use and Permitting Disputes," National Association of Industrial and Office Properties, Massachusetts Forum for Commercial Real Estate**