

# Christian W. Habersaat

*Director*

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Chris advises clients in a variety of complex litigation matters, representing private and public companies, governmental agencies, and individuals. His clients include commercial property owners, developers, retailers, restaurants, hospitality groups, healthcare providers, and individuals.

Admitted in Massachusetts and New York, Chris has represented clients before federal and state courts in several states, as well as before governmental and administrative agencies and arbitration tribunals.

With more than 30 years of experience, Chris focuses on the preparation and trial of complex civil cases involving a broad range of business and commercial disputes, including matters dealing with contracts and business torts, land use, real estate and property disputes, construction matters and complex insurance coverage disputes.

Chris has also extensive experience representing private and public companies in governmental investigations, civil enforcement actions, compliance with government subpoenas and in testimony before federal and state regulatory agencies. As part of his practice in this area, Chris has assisted clients in matters involving data breaches and cybersecurity incident response, whistleblower actions and the False Claims Act, and investigations relating to government procurements and federal and state bid protest claims.

Chris has also been appointed as a Special Assistant Attorney General for the Commonwealth of Massachusetts in connection with litigation brought against the Commonwealth in both state and federal court in Massachusetts and New Jersey.

## **Accolades**

- Litigation Counsel of America, Fellow (2023- present)
- AV Preeminent in the Martindale-Hubbell® Peer Review Ratings™
- *Best Lawyers in America*®: Commercial Litigation (2023-2024), Litigation - Real Estate (2024)
- *Boston Magazine* Top Lawyers, Civil Litigation/Defense, 2021

- Community Resources for Justice CEO Award Recipient 2012
- Massachusetts SuperLawyer – Rising Star, 2005

### **Affiliations**

- Zoning Board of Appeals, Boxborough, MA, past Chair
- Acton Boxborough Youth Soccer, past President
- Boston Bar Association
- New York Bar Association

### **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 percent 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 a business income loss sustained following the shutdown of the company's main distribution facility resulting in an award in excess of 2.5M.

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

Lead counsel representing the owner a commercial building in Manhattan against a national real estate developer in a lawsuit for property damage resulting from the developer's construction activity at an adjoining property. After a 13-day trial, obtained a judgment in excess of 2M and an award of attorney's fees.

**Civil Enforcement Investigation for Violations of the New York False Claims Act**

Lead counsel representing a multi-national clothing company in connection with a civil enforcement investigation brought by the New York Attorney General and a related qui tam (whistleblower) action brought in New York State Court alleging violations of the New York False Claims Act.

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

Lead counsel representing 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**

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

**Complex Insurance Coverage Dispute**

Lead counsel representing a prominent Massachusetts university in an arbitration proceeding concerning a complex insurance coverage dispute involving historic and significant environmental issues.

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

Lead counsel representing a commercial developer at the trial and appellate level in a lawsuit concerning and the right of first refusal to purchase units in a condominium building in Boston and the expedited dissolution of a *lis pendens* in a case of first impression under G.L. c. 231, §15.

**\$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.

**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.

**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.

**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 appeal 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.

**\$155 Million Bid Protest Litigation**

Represented the Massachusetts Bay Transportation Authority in the successful defense of bid challenge and resultant lawsuit brought by an unsuccessful bidder challenging the award of a \$155M contract for paratransit services.

**\$100 Million Bid Protest Litigation**

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

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

Represented several commercial property owners in government investigations and lawsuits alleging bodily injury and property damage claims arising out of alleged exposure to mold and/or legionella bacteria.

**Administrative Enforcement Proceedings Brought by the Occupational Safety and Health Administration**

Represented several commercial property owners in administrative enforcement proceedings brought by the Occupational Safety and Health Administration arising out of alleged workplace condition investigations.

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

Represented several property owners in administrative enforcement proceedings brought by 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 several commercial property owners in matters involving structural and subsurface failures of commercial and retail buildings, including matters involving differential settlement due to geotechnical failures.