

Martin M. Fantozzi

Director

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Marty Fantozzi is a litigator who counsels public and private REITs, investment firms, lenders, property management and brokerage firms, retailers and academic hospitals and universities.

With more than 25 years of experience as a problem-solver, Marty helps clients resolve disputes of many kinds, including: disputes among stockholders, partners and members of limited liability companies; disputes related to land use, zoning, construction and other real property issues; and commercial disputes.

Chambers USA describes Marty as "*calm, practical and solution-oriented, with an inherent ability to distill what's really important to the case.*" Marty serves as the Co-Managing Director of the firm.

Accolades

- *Chambers USA*, Litigation: General Commercial, Massachusetts, 2017-2020 (Band 3)
- *Best Lawyers in America*® (2017-2021): Litigation – Real Estate
- Martindale Hubbell Peer Review Rated AV Preeminent™
- Massachusetts Super Lawyers, 2010-2019
- Community Social Capitalist, Social Capital Inc., 2015

Affiliations

- Board of Directors, American Civil Liberties Foundation of Massachusetts
- Board of Directors, Social Capital, Inc. (2001-2010)
- International Council of Shopping Centers
- Boston Bar Association
- The Real Estate Bar for Massachusetts

Admissions

- Massachusetts

Education

- College of the Holy Cross (B.A.)
- Harvard Law School (J.D.)

Representative Matters

Directed Verdict on Behalf of Managing Member of Joint Venture

Obtained directed verdict after six day jury trial on behalf of managing member of real estate development joint venture on plaintiff's claims of breach of contract and unfair and deceptive business acts and practices.

REIT Enforcement of Urban Renewal Agreement

Successfully represented shopping center REIT in action against municipality to enforce municipality's obligations under urban renewal agreement, and defended against municipality's claim for breach of related financial agreement.

Successful Defense of General Partner

Obtained summary judgment in favor of general partners in action by limited partners alleging breach of fiduciary duty, waste and breach of implied covenant of good faith in connection with dispute relating to proposed sale of partnership assets.

\$120M Preferred and Common Equity in Dispute

Successfully represented holders of \$120M in preferred and common equity in a dispute with controlling fund sponsors regarding investment restructuring and sale of assets.

Academic Medical Center Appeal

Successfully defended academic medical center in appeal to the U.S. Court of Appeals for the First Circuit challenging \$11M cy pres award resulting from national class action settlement.

Defense Verdict for Real Estate Development Company Claims

Won a complete defense verdict for a real estate development company and several of its principals in a two-week jury trial of claims for breach of contract, fraud, intentional interference with contractual relations, and unfair and deceptive business practices.

Jury Verdict on Behalf of Shopping Center REIT on Claims of Fraud

Obtained jury verdict, including award of multiple damages on behalf of shopping center REIT on claims of fraud and unfair, deceptive business acts and practices against the principal stockholder of a tenant.

Multifamily Housing REIT Trial Regarding Challenge to Permits

Successfully defended national multifamily housing REIT at trial regarding challenge to permits obtained for apartment development.

National Life Insurance Company Dispute with Investment Funds

Represented national life insurance company in dispute with investment funds regarding “make-whole” payment due in conjunction with pre-payment of \$780M of variable and fixed-rate notes.

National Shopping Center REIT Judgment for Clause in Commercial Lease

Obtained a judgment in favor of national shopping center REIT in a case of first impression regarding enforcement of liquidated damages clause in commercial lease.

Prevailed on Motion to Dismiss Insider Trading and Securities Fraud Claims Asserted by Tender Offeror

Prevailed on motion to dismiss insider trading and other securities fraud claims asserted by a tender offeror in corporate control contest, and obtained an award of sanctions under the Private Securities Litigation Reform Act of 1995.

Real Estate Investment Company Lawsuits

Representation of a real estate investment company and its affiliates in connection with a lawsuit alleging claims for personal injuries, fraud, unfair and deceptive acts and practices, and other damages arising out of alleged mold contamination of a luxury residential apartment building.

Senior Living Condominium Project Action to Enjoin Foreclosure

Successfully representing purchaser of secured debt on senior living condominium project in borrower's action to enjoin foreclosure.

Shopping Centers Class Action Claims of Overcharged Tenants

Successfully represented owners and manager of a portfolio of regional shopping centers in class action alleging claims that they systematically overcharged tenants for taxes

Summary Judgment for National REIT

Successfully obtaining summary judgment in favor of national REIT that department store had failed to exercise its option to extend lease for 45 years.

Summary Judgment in Favor of Developer Over Municipal Zoning Ordinance

Obtained summary judgment in favor of developer declaring that municipal zoning ordinance violated state enabling act and was invalid as applied to developer's property.

Summary Judgment on Behalf of General and Limited Partners for Partnership Agreement

Obtained summary judgment on behalf of general and limited partners in action seeking specific performance to enforce their right to purchase interests of minority limited partners under buy/sell provision of partnership agreement.

Summary Judgment on Behalf of Nursing Homes Owner Dismissing Employment Discrimination Claims

Obtained summary judgment on behalf of national owner of nursing homes dismissing employment discrimination claims brought by former employee in connection with alleged harassment by patient.

Publications

October 2017

"Trusted Leader Helps Boston Firm Succeed and Take a Stand," Of Counsel

October 2015

What's Market? Update: Litigation

January 2015

In re Family Dollar Stores, Inc.: No Revlon Duty to Seek Better Terms From Competing Bidder; Shareholders Approve Lower Bid Offer on January 22

October 2014

Shopping for Milk, Bread and Signatures: Massachusetts Supreme Judicial Court Allows Solicitation of Political Nomination Signatures on Stand-alone Retailer's Private Property