

# 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.*"

## **Accolades**

- *Boston Magazine* Top Lawyers, Real Estate, 2021-2023
- *Chambers USA*, Litigation: General Commercial, Massachusetts, 2017-2020 (Band 3); 2021-2022 (Band 2), 2023-2024 (Band 1)
- *Best Lawyers in America*® "Lawyer of the Year" (2023): Litigation – Real Estate
- *Best Lawyers in America*® (2017-2024): Litigation – Real Estate
- Martindale Hubbell Peer Review Rated AV Preeminent™
- Massachusetts Super Lawyers, 2010-2023
- 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.

**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.