Timothy J. Fazio

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PRACTICE AREAS

Appellate
Business Litigation + Counseling
Class Action Litigation
Construction
Delaware Corporate Litigation
Design Professionals
eDiscovery + Information Management
Employment Litigation
Real Estate Litigation
Strategic Counseling + Risk Management
Transactional

EDUCATION

Hofstra University, Zarb School of Business, MBA, 2003
Hofstra University School of Law, JD, 2002
Hamilton College, BA, 1999

BAR ADMISSIONS

Massachusetts
Connecticut
District of Columbia
New York
US Supreme Court
US Court of Appeals for the First Circuit
US Court of Appeals for the Third Circuit
US District Court, Eastern District of Michigan
US District Court, Western District of Michigan
US District Court, Eastern District of New York
US District Court, Southern District of New York
US Bankruptcy Court, Southern District of New York

Overview

Timothy Fazio is a high-stakes litigator and trial lawyer who maintains a diverse national practice, concentrating in complex business litigation and government and internal investigations. In nearly 25 years of practice, Tim has represented and advised clients in a host of significant litigation and investigation matters ranging from breach of contract litigation to investigations by the US Department of Justice and State Attorney Generals.

Tim routinely handles “bet-the-company”-size matters in state and federal courts throughout the country, often in partnership with lawyers in our other offices. First and foremost a client's advisor and counsel, Tim spends much of his practice assisting clients privately, strategically planning alternative paths to avoid litigation and unwanted publicity, while efficiently, discreetly and favorably resolving business disputes and both internal and government investigations.

Litigation is often unavoidable, or the best option for a client, in which case Tim works closely with in-house counsel to prepare the most effective strategy for success. Tim's wide range of business litigation and trial experience has included breach of contract matters, fraud claims, construction litigation, breach of executive employment contracts, intellectual property litigation, direct and derivative shareholder actions, unfair and deceptive trade practices, noncompete and business interference litigation, environmental litigation, False Claims Act matters and securities litigation, among others.

Tim also regularly works with our transactional attorneys to draft and negotiate commercial and residential leases, software and other licensing agreements, employment agreements, and other business contracts.

Tim regularly advises clients on sensitive internal and government investigation matters, partnering with in-house counsel, corporate security and internal audit to investigate, assess and address matters swiftly and privately. When a government agency or law enforcement contacts a client, Tim is the first call and immediately works to assess and take control of the situation in partnership with the client, and with a thorough understanding of the importance of working with the government to the extent possible. Over the course of his career, Tim has handled matters

involving various federal and state agencies, including the US Department of Justice, Department of Labor, Department of Agriculture, the Defense Contract Audit Agency, the Securities and Exchange Commission, and multiple state attorneys general, including Massachusetts, New York and California.

Tim has extensive experience with a variety of alternative dispute resolution mechanisms designed to mitigate the expense, business interruption and uncertainty of litigation—including AAA arbitration, court-assisted mediation programs and private mediation—as well as minimize unwanted publicity.

As an essential part of complex practice in the electronic age, Tim regularly advises clients on the latest e-discovery best practices, including legal holds, data preservation and data production, working with e-discovery vendors and consultants, and managing e-discovery in anticipation of, during and after litigation and particularly regarding the sensitivities of government investigations. Tim regularly contributes to Federal Civil Litigation in the First Circuit, Chapter 3: Discovery.

Tim served for two years as the law clerk to US Magistrate Judge Joyce London Alexander Ford in the US District Court for the District of Massachusetts and throughout his career has engaged in extensive pro bono work representing indigent clients in family law, real property evictions, Social Security benefit, and asylum cases.

Experience

+ Obtained summary judgment in Massachusetts Federal Court on behalf of a university in a disability discrimination case brought under Section 504 of the Rehabilitation Act and Title III of the Americans with Disabilities Act, dismissing all claims in the client's favor.
+ Won a defense verdict (later affirmed on appeal) on behalf of an international pulp and paper company in a matter in which the plaintiff alleged that it had formed a contract with the defendant to buy railroad cars and later lost out on a large commission when the railroad cars were sold to another buyer.
+ Advising a non-profit during an investigation by the Massachusetts Attorney General regarding corporate structure, use of over $10 million in charitable assets, and general governance.
+ Advising a leading university in connection with a criminal grand jury subpoena.
+ Defending a facilities management company through trial and appeal in a $3 million fraud and breach of contract case in which a former customer alleged that our client's on-site manager improperly steered renovation business to a general contractor with which the manager had a financial interest.
+ Regularly prosecuting and favorably resolving multimillion-dollar breach of contract claims for a leading custodial, maintenance and engineering firm.
+ Regularly advising commercial landlord regarding tenant issues, including improvements, vacating premises, lease abandonment, and

failure to pay rent.

+ Coordinating multiple federal lawsuits to enforce noncompete agreements, misappropriation of trade secrets and anti-competitive conduct by industry rivals.
+ Advising a leading university on applicability of insurance coverage to government investigation.
+ Successfully mediating multimillion-dollar claims against an employer stemming from alleged breach of executive employment agreements.
+ Prosecuting multimillion-dollar breach of contract claims for a leading food service management company.
+ Prosecuting a fraud and breach of contract action against a national university for failure to pay millions of dollars to its food service provider.
+ Representing a regional public utility company in a $20 million arbitration dispute related to the construction of numerous solar fields.
+ Defending a leading custodial, maintenance and engineering firm against claims involving fraud and breach of contract related to the construction and repair of senior living facilities seeking millions of dollars in damages.
+ Defending an international food service management company in numerous federal and state False Claims Act investigations.
+ Representing a leading company in the construction, building and services market in a contract dispute seeking $1 million and defending against liquidated damages claims in excess of $10 million.
+ Defending a major energy company in a Massachusetts False Claims Act investigation.
+ Representing a resort/hotel/casino operator in a $100 million breach of contract and fraud dispute with its construction manager.
+ Representing a major energy company in a $250 million contract dispute with an ethanol manufacturer.
+ Representing a leading custodial, maintenance and engineering firm in a $30 million contract dispute with a large school district.
+ Representing a public utility company in a dispute with joint venture partners over the construction of a transmission line.
+ Won defense verdict on an attorney's lien claim for over $6 million in fees.
+ Defending a regional restaurant chain in federal criminal and civil investigations related to labor practices.
+ Prosecuting direct and derivative claims on behalf of founder and shareholders of a mobile payment solutions company.
+ Advising a leading university in a variety of regulatory, contract and intellectual property matters.
+ Achieving grants of asylum for four clients from Peru, Turkey, and El Salvador.
+ Prosecuting fraud claims against fund managers.
+ Representing university client in ADA and 93A litigation involving former student.
+ Representing technology company founder in derivative litigation in Delaware.

- Representing restaurant manager in commercial lease dispute.
- Representing former employees in severance agreement negotiations and employment litigation.
- Monitoring $100M+ construction litigation on behalf of insurers.
- Drafting and negotiating Power Purchase Agreement with solar energy company on behalf of public school.

Recognition

- Excellence in Pro Bono, *Massachusetts Lawyers Weekly* Excellence in the Law Awards, 2026
- *Best Lawyers in America*, Litigation—Labor and Employment, 2027

Involvement

- Boston Bar Association
- Board Member, Hamilton/Wenham Little League

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