

# MICHAEL S. BATSON

SHAREHOLDER

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## KEY SERVICES

### Business

- Conflict Resolution
- Employment Law Counseling

### Fidelity & Surety

- Surety / Bonds

### Litigation

- Appellate
- Breach of Warranty
- Class Actions
- Commercial
- Contracts
- Employment
- Environmental
- Intellectual Property
- Negligence/Personal Injury

### Insurance

- Bad Faith
- Insurance Coverage
- Insurance Law

## BAR ADMISSIONS

State Bar Admissions  
MA

United States District  
Court  
MA, CT

## OVERVIEW

Michael Batson represents insurers and policyholders, individuals and corporations in complex litigation matters. He has more than 20 years of experience handling civil, commercial and class action litigation, construction law, insurance coverage and defense, environmental law, complex tort and product liability law.

Michael also represents clients in connection with claims for coverage on general liability, property, professional liability, directors and officers liability, umbrella and excess policies, and fidelity and surety bonds. He regularly advises owners, general contractors and subcontractors in construction-related litigation, including breach of contract claims and claims involving defective workmanship, personal injury and wrongful death. Additionally, Michael's broad background includes handling matters involving defamation claims, non-construction-related breach of contract claims, stockholder disputes, fraud claims, bad faith claims, building leaks and violations of the Telephone Consumer Protection Act.

## EXPERIENCE

- **NuVasive, Inc. v. Day**, 954 F.3d 439 (1st Cir. 2020)  
Attained preliminary injunction on behalf of medical device manufacturer against former employee involving the enforcement of a non-solicitation clause in contract; affirmed by the United States Court of Appeals for the First Circuit.
- **Johansen, et al. v. Liberty Mutual Group, Inc., et al. v. Precise Leads, Inc., et al.**  
Attained favorable resolution of matter on behalf of client in connection with claims seeking indemnity for alleged violations of the Telephone Consumer Protection Act, including denial of motion to add M.G.L. c. 93A claims against client.

United States Court of Appeals  
First Circuit, Second Circuit

## EDUCATION

Boston University, J.D.,  
2000

Duke University, B.A., 1997

- **Crosby Valve, LLC, et al. v. OneBeacon America Insurance Company, et al.**  
Attained favorable summary judgment ruling on behalf of insurer clients regarding duty to defend and right to control defense of underlying lawsuits.
- **Morgan, et al. v. Massachusetts Homeland Insurance Company**  
Denial of class certification attained and affirmed by Massachusetts Appeals Court in action brought against insurer pursuant to M.G.L. c. 93A regarding the handling of total loss automobile claims. Dismissal of named plaintiff's direct claim following 4-day trial attained and affirmed by Massachusetts Appeals Court.
- **Mueller Co. n/k/a/ Mueller Co. Ltd., et al. v. Commercial Union Insurance Company n/k/a OneBeacon America Insurance Company, et al.**  
Attained favorable resolution of matter on behalf of insurer client, including favorable summary judgment ruling regarding number of occurrences under Illinois law.
- **Collins, et al. v. Locks & Keys of Woburn, Inc., et al.; National Vocational Schools of Boston, Inc., et al. v. Locks & Keys of Woburn, Inc.**  
Attained favorable class action settlement for small business owner regarding claims brought on behalf of class for alleged violations of the Telephone Consumer Protection Act.
- **Stonewall Ins. Co. v. Travelers Cas. and Sur. Co.**, 677 F. Supp. 2d 420 (D.Mass. 2010) Represented insurer in equitable contribution claims seeking recovery of defense costs. After settling with most defendants, successfully recovered against others.
- **Boston Gas Co. v. Century Indem. Co.**  
Represented insurer in connection with filing of *amicus* brief in support of position ultimately adopted by the Supreme Judicial Court concerning allocation of long-tail losses.
- **Meaney, et al. v. OneBeacon America Ins. Co. f/k/a Commercial Union Ins. Co., et al.**  
Attained favorable class action settlement for insurance company regarding claims brought on behalf of class for alleged failure to pay post-award interest on arbitration awards
- **OneBeacon America Ins. Co. v. Haffner's Service Stations**  
Summary judgment attained and affirmed by Massachusetts Appeals Court for insurer on grounds that automobile insurance policy did not cover oil discharge resulting from negligent repair services.
- **OneBeacon America Ins. Co. v. Travelers Indem. Co. of Ill**  
Secured First Circuit decision reversing the District Court and ordering that summary judgment be entered in favor of OneBeacon providing for reformation of an insurance policy.

## AWARDS & HONORS

- Super Lawyers, Boston Top Rated Civil Litigation Attorney
- Superb Rated from Avvo, Inc.



## INVOLVEMENT

### American Bar Association

- Member, Tort Trial and Insurance Practice Section
  - Appellate Advocacy Committee
  - Business Litigation Committee
  - Fidelity and Surety Law Committee
  - Insurance Coverage Litigation Committee
  - Litigation and Trial practice Committee
  - Toxic Torts and Environmental Law Committee
- Member, Litigation Section
  - Alternative Dispute Resolution Committee
  - Appellate Practice Committee
  - Class Actions and Derivative Suits Committee
  - Commercial and Business Litigation Committee
  - Construction Litigation Committee
  - Consumer Litigation Committee
  - Insurance Coverage Litigation Committee
  - Mass Tort Litigation Committee

### Massachusetts Bar Association

- Business Law Section
- Complex Commercial Litigation Section
- Civil Litigation Section
- Labor & Employment Section

### Boston Bar Association

- Member, Environmental Law Section
- Member, Labor & Employment Law Section
- Member, Business and Commercial Litigation Section
- Member, Insurance and Tort Litigation Section

### Defense Research Institute

- Member

### Boston Bar Foundation

- Society of Fellows