

Benjamin P. Lajoie



member

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Legal Secretary

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education

University of New Hampshire School of Law
(J.D., 2015, *magna cum laude*)

- Managing Editor, UNH Law Review

Bates College (B.A., Psychology, 2010)

admissions

Massachusetts

New Hampshire

U.S. District Court for the District of
Massachusetts

U.S. District Court for the District of New
Hampshire

honors

- Massachusetts Lawyers Weekly “Up & Coming Lawyers,” 2024
- Best Lawyers: Ones to Watch (Commercial Litigation), 2023-present
- *Massachusetts Super Lawyers* “Rising Star” (Business Litigation, Class Action/Mass Torts: Plaintiff, Business/Corporate), 2022-2023

affiliations

Many of my clients find themselves in business litigation over deals gone wrong when parties dispute ideas, expectations, or promises – which may lead to breach of contract, tortious interference, unfair trade practices, and other claims and counterclaims. I help them avoid getting there in the first place, negotiate their way out, and, if a lawsuit is filed, fully defend or prosecute their rights.

Benjamin P. Lajoie helps businesses – financial institutions, employers, contractors, manufacturers, and others – in commercial litigation and arbitration. He defends and prosecutes business torts, fraud, unfair and deceptive trade practices, as well as contract, trade secret, and licensing disputes, and other claims including lawsuits stemming from failed business deals. Ben skillfully navigates complex disputes with many variables, from counterclaims to cross-claims to subpoena enforcement actions and related issues. His strategic approach to client advocacy and representation yields repeat clients who turn to him for help with critical decisions.

- Boston Bar Association, Steering Committee, Business and Commercial Litigation Section 2021 – Present; Steering Committee, Boston Bar Association’s Multidistrict Litigation and Class Actions Section, 2016–2021
- American Bar Association, Committee Member, Business Torts & Unfair Competition Litigation, Commercial & Business Litigation, Construction Litigation, and Class Actions & Derivative Suits, 2023 – Present
- American Subcontractors Association, Attorneys’ Council, Jan. 2024 – Present
- Claims and Litigation Management Alliance, Member 2023 – Present
- Venture Deals, Kauffman Fellows & Techstars Spring 2021

clerkships

During law school, Ben clerked for the Honorable Kenneth Brown and Honorable Gillian Amramson in Hillsborough County Superior Court North in Manchester, NH. He also clerked for Chief Judge Joseph Laplante in the U.S. District Court for the District of New Hampshire in Concord, NH.

Pragmatic with sharp business instincts, Ben guides clients to identify the best outcome for resolving their dispute, and works with them to design and implement effective case strategies for achieving their objectives, often advising them to help avoid litigation altogether. He tunes in early to what matters most to each client and devotes his time accordingly.

Ben has extensively litigated unfair and deceptive trade practice and anticompetitive claims under Massachusetts Chapter 93A, Section 11 (brought by businesses) and Section 9 (brought by consumers); and New York commercial litigation involving secured transactions, merchant cash advances (MCAs), participation agreements, credit facilities, competing interests, counterclaims, Uniform Commercial Code (UCC) remedies, and challenges to foreclosure sale commercial reasonableness.

Ben serves as outside general counsel for some clients and runs point on litigation for others. They know he is thoughtful, strategic, and responsive to their needs and expectations, and rely on him to be their “path of least resistance” to a favorable outcome.

presentations

“Good Deals Gone Bad for In-House Counsel: How In-House Counsel Need to Navigate Commercial Matters Headed for Litigation,” In-House Connect, February 28, 2024

"Attorney-Client Privilege, In re Grand Jury, and Dual-Purpose Communications," Boston Bar Association, May 11, 2023

"Chapter 93A Claims – Mastery of Critical Issues," Boston Bar Association, January 12, 2022

"To MDL or Not to MDL, that is the Question - A Practical Discussion from Outside and In-House Counsel on Whether and When to Seek or Oppose MDL Status," Boston Bar Association, May 17, 2021

"BioXchange on Grapevine Network," April 28, 2021

"Massachusetts Class Actions Versus Federal Class Actions – Know the Difference," Boston Bar Association, May 14, 2020

"Survive and Thrive: Tips of the Trade," Massachusetts Bar Association, Massachusetts Defense Lawyers Association, & Boston Bar Association, February 15, 2018

"The Fundamentals of Clear and Effective Writing," Boston Bar Association, May 19, 2017

"Speed Networking with Litigators," Boston Bar Association, February 1, 2017

published articles

"Minimize Risks in Contractor Dispute Settlement Agreements," The Contractor's Compass, April 2024

"Uncertainty Remains for Pharma Product Hopping Liability," Law360, August 31, 2017

"Less FDA Review May Boost Medical Device Plaintiff Awards," Law360, February 22, 2017

"Reopening the Discussion of the Loss of Opportunity Doctrine in New Hampshire: A Look at Decisions Made in Light of Current Times," 13 U.N.H. L. Rev. 99, 2015

representative experience

- Represented manufacturer in energy industry in defense and counterclaims involving unfair and deceptive trade practices and tortious interference with business relations by competitor in federal court
- Represented contractor in business dispute involving complex issues of contract formation, choice of law, and tolling principles
- Represented bank in defense of fraud claims in bankruptcy adversary proceeding
- Represented manufacturer in prosecution of vendor equipment fraud claims in federal court
- Represented company in connection with investigation and response to government subpoena and cease and desist letter
- Represented mortgage servicing company in defense of putative class action alleging federal statutory violations (TILA, FDCPA, and RESPA)
- Represented global fertilizer company in defense against large farm alleging crop damage in federal court
- Represented beneficiaries in breach of fiduciary duty class action against institutional trustee
- Represented financial entities in complex, multi-party litigation involving secured transaction dispute and competing interests, guarantees, counterclaims, contract and tort claims, and UCC remedies

- Represented indemnity holder in dispute with former employer involving non-compete and non-solicitation dispute in Massachusetts
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- Represented pharmacies in multi-party, antitrust litigation against pharmacy benefit manager for group boycott
- Represented gas producers in multi-party lawsuit against pipeline company involving breach of fiduciary duty and contract claims
- Represented investment company against investors' lawsuit in dispute over Investor Rights Agreement
- Represented trade association in constitutional challenge to state regulation
- Represented Massachusetts-based medical device company and former employees in connection with discovery obligations, responses, and disputes arising out of subpoenas from out-of-state products liability mass action
- Represented out-of-state trust company in connection with issuance and enforcement of subpoenas duces tecum in Massachusetts for use in pending arbitration and related action outside of Massachusetts
- Represented Massachusetts-based pharmaceutical companies in disputes with vendors in Massachusetts state court
- Represented medical device companies in all corporate legal work including drafting and negotiating contracts, incorporation, formation and organization of subsidiary, capitalization and fundraising in various rounds, licensing and protecting of intellectual property, advising and papering in connection with surgeon consultants, hospitals and research laboratories, codevelopment, co-marketing, or other strategic collaboration and investment opportunities, advising and ensuring GDPR and other privacy law compliance, corporate restructuring, corporate compliance, advising of internal policies and trainings, compensation plans, board consents, and navigation of investor relationships
- Represented biotechnology company in the documentation, negotiation, and advice of general corporate matters following spin-off, including

- organization, NDAs and other contracts with investors, service providers, and strategic partners or collaborators, equity financing, and structuring of officer compensation
- Represented healthtech company in advising and drafting of purchase and subscription agreement, debt and equity financing, and development of employee compensation plan
 - Represented cannabis company in advising and drafting of master services agreement, consulting agreement, and investor letter of intent
 - Represented tech company in formation, organization, and corporate governance; corporate restructuring; equity incentive plan; equity fundraising; and advising and drafting of contracts, including employment, advisor and incentive agreements
 - Represented tech company in advising on alternate solution to avoid potential lawsuit involving shareholder disagreement
 - Advised companies across industries regarding federal government assistance and other guidance associated with COVID-19