



Attorney

Benjamin P. Lajoie

Massachusetts

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Ben Lajoie is a commercial litigation and corporate attorney who solves his clients' complex problems. Ben's technical skills, paired with his attentive and pragmatic approach to client advocacy and representation, yield repeat clients who turn to him for help in making critical decisions, evaluating opportunities, structuring transactions, and handling high-stakes disputes, primarily in the high-risk and high-return worlds of life sciences, technology, and finance.

In the litigation arena, Ben handles complex litigation and investigation matters, including business, multidistrict, and class action litigation. He has helped lead multidistrict litigation involving medical device product liability on behalf of nationwide consumers, represented companies in competitor suits from unfair and deceptive trade practice claims and contract disputes, financial entities in complex, multi-party litigation involving secured transactions, competing interests, counterclaims, contract and tort claims, and UCC remedies, life science companies in disputes with vendors, and a class of beneficiaries for breach of fiduciary duty against the institutional trustee.

On the corporate front, Ben provides a broad range of services to emerging, high-growth companies as well as investors, primarily in the life sciences and technology industries. He is their trusted advisor and adept at guiding these entities through every stage of their life cycle, including through business model issues, equity and debt financing and strategy, and development of quality investor materials. Ben brings a deep understanding of how these companies are formed, financed, and grown.

Ben's corporate legal work includes drafting and negotiating contracts, corporate governance, strategic collaborations, venture and debt financings, mergers and acquisitions, labor and employment, protecting and licensing of intellectual property, and regulatory compliance. When litigation is necessary, he advances his clients' needs in a vigorous, yet practical and cost-effective manner.

Government Service / Previous Employment

Judicial Intern, Hon. Joseph N. Laplante, US District Court for the District of New Hampshire (2014)

Practice Areas

Business & Finance

Commercial Litigation

Consumer Litigation

Electronically Stored Information (ESI)

Life Sciences

MDL Panels

Medical Device & Drugs

Mergers & Acquisitions

Education

J.D., University of New Hampshire School of Law, 2015, *magna cum laude*, Managing Editor, *UNH Law Review*, Stanley M. Brown Scholarship Recipient

B.A., Bates College, 2010

Admissions

Massachusetts

New Hampshire

US District Court, District of New Hampshire

US District Court, District of Massachusetts

Representative Matters

Litigation Matters

- Worked closely with lead counsel in multidistrict litigation involving medical device product liability claims on behalf of nationwide consumers
- Represented manufacturer in energy industry against lawsuit by competitor involving unfair and deceptive trade practices and tortious interference with business relations

- Represented beneficiaries in breach of fiduciary duty class action against institutional trustee
- Represented debtors against debt collector in nationwide class action under Fair Debt Collection Practices Act
- 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 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 several classes of consumers in false advertising products liability action
- 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 Massachusetts-based pharmaceutical companies in disputes with vendors in Massachusetts state court

Corporate Matters

- 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, co-development, 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

News & Insights

Ben Lajoie Speaking at Boston Bar Association Webinar Program
05.17.2021

Elizabeth Ryan and Benjamin Lajoie Speaking at Boston Bar Association Webinar
05.14.2020

Ben Lajoie Speaking at Boston Bar Association Seminar
02.13.2018

Class-Action Lawsuit Filed Against Equifax Over Security Breach
09.26.2017

Ben Lajoie Co-Authors 'Product Hopping' Update in Law360 Article
09.05.2017

Ben Lajoie Speaking at Boston Bar Association Seminar
04.11.2017

Regulation limits could boost plaintiff awards, Bailey Glasser attorney Ben Lajoie writes
02.22.2017

Selected Publications

- "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)

Selected Speaking Engagements

- Panelist, "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
- Sponsorship Speaker, BioXchange on Grapevine Network, April 28, 2021
- Panelist, "Massachusetts Class Actions Versus Federal Class Actions - Know the Difference," Boston Bar Association, May 14, 2020
- Panelist, "The Fundamentals of Clear and Effective Writing," Boston Bar Association, May 18, 2018
- Panelist, "Survive and Thrive: Tips of the Trade," Massachusetts Bar Association, Massachusetts Defense Lawyers Association, Boston Bar Association, February 15, 2018
- Panelist, "The Fundamentals of Clear and Effective Writing," Boston Bar Association, May 19, 2017
- Panelist, "Speed Networking with Litigators," Boston Bar Association, February 1, 2017

Community and Professional Activities

Steering Committee, Boston Bar Association's Business and Commercial Litigation Section (2021 - Present)

Venture Deals, Kauffman Fellows & Techstars (Spring 2021)

Steering Committee, Boston Bar Association's Multidistrict Litigation and Class Actions Section (2016 - 2021)