

PARTNER

Jonathan M. Hixon

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PRACTICE AREAS

Bankruptcy & Creditors Rights

Commercial Mortgage Foreclosures

Restructuring & Workout

Employment Law

Employment Advice & Compliance

Employment Litigation & Dispute Resolution

Estate Planning

Probate Litigation

Litigation & Dispute Resolution

Banking & Lender Liability Litigation

Business Litigation

Real Estate Litigation

OVERVIEW

Jonathan M. Hixon is an advisor and litigator who counsels clients in a wide variety of business disputes, including complex contract, business tort, bankruptcy, restructure and workout, employment, shareholder and partnership, commercial lease, and property disputes.

Jonathan represents clients of all sizes and in various stages of growth, from Fortune 500 companies and international banking institutions to startups, regional organizations, small family businesses, and individuals.

Jonathan's experience ranges from representing creditors, secured lenders, and court-appointed trustees in commercial and bankruptcy matters, employers and employees in employment disputes, and resolving general business tort, and partnership disputes for individuals and businesses.

He is known for thoroughly analyzing client problems to achieve meaningful, cost-effective results. Though his goal is to keep his clients out of litigation, he is a skilled trial attorney willing to take matters all the way through trial if necessary. Jonathan has advised clients through all avenues of dispute resolution, handling matters in state and federal courts throughout New England and Florida, as well as arbitration, mediation and private settlement negotiations.

EDUCATION

J.D., *cum laude*, University of Miami School of Law, 2012

B.A., *cum laude*, George Washington University, 2008

Jonathan has been named as a Super Lawyers Rising Star since 2019. Prior to joining Hackett Feinberg, Jonathan worked at a boutique litigation firm in Miami, Florida and a suburban Boston firm specializing in civil litigation. He lives in Dorchester with his wife and two children, and spends his free time golfing, watching Liverpool F.C. and the Boston Bruins, and playing with his kids.

ADMISSIONS

Florida

Massachusetts

AFFILIATIONS

Member, Boston Bar Association

Member, American Bankruptcy Institute

EXPERIENCE

Obtained \$1.6 million judgment for local grocery store against landlord

After an 8-day trial, Jonathan's client was awarded a judgment of over \$1.6 million due to its landlord's constructive eviction and breach of lease between the parties. The jury, after deliberating for only ten hours, found that the landlord's failure to conduct structural repairs to a warehouse building leased by the supermarket resulted in a constructive eviction and violation of the implied covenant of good faith and fair dealing contained in every contract, ultimately awarding his client \$795,000 for lost profits and \$2,250 per month until the landlord performed the structural repairs. Following trial, the judge awarded the supermarket double damages and attorney's fees under M.G.L. c. 93A for the landlord's unfair trade practices, and ordered the landlord to perform the structural repairs.

Awarded summary judgment on adverse possession involving island home

Jonathan's client, a residential homeowner with a small home on an island in a local lake, was facing a lawsuit from a neighbor seeking to adversely possess a parcel of property used by his client and prior owners of the island in order to park their vehicles and access the island across a wooden footbridge.

The neighbors claimed that they owned the disputed parcel because they had been paying taxes on it and occasionally walked on the disputed parcel and picked up trash. However, after Jonathan's thorough investigation and interviews with neighbors and prior owners, the court expressly rejected the neighbor's claims and determined that the current and prior owners used the parcel for over 50 years as a normal owner of the parcel would and therefore were entitled to be the record owners of the parcel by adverse possession. The court focused on the evidence presented by Jonathan related to the nature and location of the disputed parcel as well as the testimony from other neighbors spanning decades which described the use of the parcel by previous owners.

Full recovery of loan in bankruptcy, foreclosure and guaranty proceedings

Jonathan's advised a senior lender through bankruptcy, foreclosure and state court proceedings against guarantors, obtaining a full recovery for his client despite significant obstacles in bankruptcy, delays due to the impact of the Covid pandemic and threats of lender liability claims by the borrower and guarantors. Due to Jonathan's guidance and aggressive tactics, the lender made a full recovery, including all of its attorney's fees and costs.

- *Leo J. Motsis, Trustee v. Ming's Supermarket, Inc.*, 96 Mass.App.Ct. 371 (2019)
- *Diane Fasciani v. John DiMaggio, et al.*, 2020 WL 6364994 (Mass. BLS1 Aug. 31, 2020)
- *Eleanor Kerrissey v. Commercial Credit Group Inc.*, 359 F.Supp.3d 151 (D. Mass. Feb. 14, 2019)

HONORS



- Massachusetts Super Lawyer Rising Star 2019-2022