

OF COUNSEL

## Shawn Lu

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DIRECT

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### PRACTICE AREAS

Bankruptcy & Creditors Rights

Commercial Mortgage Foreclosures

Restructuring & Workout

Commercial Real Estate

Title Matters

Employment Law

Employment Advice & Compliance

Employment Investigations & Audits

Employment Litigation & Dispute Resolution

Workforce Training

Litigation & Dispute Resolution

Banking & Lender Liability Litigation

Business Litigation

Real Estate Litigation

### EDUCATION

Boston University School of Law, J.D.

Washington University in St. Louis, B.A.

### OVERVIEW

Shawn advises and represents clients from a variety of industries in various stages of growth, with a practice emphasis in complex commercial litigation involving disputes between businesses, intra-company disputes, and bankruptcy adversary proceedings.

Although his goal is to keep clients out of litigation wherever possible, particularly where he is engaged early in the dispute resolution process, Shawn is a trial attorney with significant experience with bench and jury trials in state and federal courts, mediations, arbitrations, and appellate proceedings. He has successfully litigated multi-year actions involving various shareholder issues, commercial contracts and leases, employment matters, and all manner of business torts, including breach of fiduciary duty, theft of trade secrets, and unfair competition. Shawn is known for achieving creative and cost-effective results whether they be through negotiation, mediation, or trial.

Prior to joining Hackett Feinberg, Shawn was a shareholder at a firm in Boston and clerked for the Justices of the Massachusetts Superior Court. Shawn is a long-time resident of East Boston, where he is both an eager patron and expert resource for the vibrant local businesses.

### EXPERIENCE

#### Commercial Litigation

- As lead counsel to Trustee of family trust, successfully litigated multi-district disputes between the former beneficiary and current beneficiaries, disputes with creditors of the former beneficiary seeking to reach and apply the Trust's assets, and disputes with individuals unlawfully using and occupying the Trust's real estate.

## ADMISSIONS

Massachusetts

U.S. Court of Appeals for  
the First Circuit

U.S. District Court, District  
of Massachusetts

## AFFILIATIONS

Steering Committee of the  
Business and Commercial  
Litigation Section, Boston  
Bar Association

Asian American Lawyers  
Association of  
Massachusetts

- As lead counsel for lender, brought action asserting claims for breach of contract, piercing the corporate veil, quasi-contract, and equitable relief against principal who drafted promissory notes naming related companies as the borrower. Obtained favorable confidential settlement with pending dispositive motions prior to discovery. (D. Mass.)
- As lead defense counsel for pharmaceutical contract manufacturer, obtained favorable confidential settlements prior to trial in separate actions involving contract disputes with a regulatory consultant and former customer. (E.D.N.Y.)
- As lead defense counsel for car dealership in action brought by plaintiff, who reneged on the purchase of a luxury vehicle by asserting claims for breach of contract and lemon laws, obtained favorable settlement providing for dismissal of all claims without requiring any disbursements from the company after discovery revealed plaintiff's negligent conduct after taking possession. (Mass. Super.)
- As co-lead counsel for lead-generation marketing company, brought action asserting claims for breach of fiduciary duty and breach of employment contracts against former executives and employees who formed a competing company. Obtained favorable confidential settlement after concluding discovery under the threat of trial. (Mass. Super.)
- As lead defense counsel for beauty appliance design and distribution company in action brought by Chinese logistics company claiming invoices of over \$650,000, secured \$15,000 settlement, dissuaded Chinese manufacturing company from bringing action for nearly \$3,000,000 in invoices with threatened counterclaims for contractual interference, bribery, and conspiracy, and favorably resolved contractual disputes with commercial vendors. (Mass. Super.)
- As lead counsel for investor, brought action against former CEO for misrepresentation and breach of stock repurchase agreement. Obtained favorable confidential settlement under threat of summary judgment. (Mass. Super.)
- Represented HR software company in bringing misappropriation of trade secrets and unfair competition action against start-up competitor. Obtained favorable confidential settlement during discovery phase, including dismissal of defendant's antitrust counterclaims. (S.D. FL.)
- Defended textile company and executive in lawsuit brought by investment companies seeking to enforce acquired loan instrument, where clients asserted that loan acquisition was part of larger agreement requiring investment companies to provide financing and acquire textile company. Obtained favorable confidential settlement after prevailing on establishing agreement through jury trial and post-trial motions. (D. Vt.)

- Defended marketing and distribution company in action brought by dietary supplement vendor alleging breach of contract and seeking over \$11,000,000 in damages. Obtained favorable confidential settlement amidst jury trial after filing motion to limit plaintiff's damages. (N.Y. Sup.)
- Represented owner of "Superman Building" at 111 Westminster Street, Providence, RI in 4-year lawsuit seeking more than \$54,000,000 and punitive damages against national bank tenant for breaches of lease arising from bank's improper maintenance of building's facade and mechanical systems. Following jury empanelment, obtained favorable confidential settlement on eve of trial. (D.R.I.)
- Represented telecommunications engineer against foreign diplomat and former employer in contract action involving choice of law, enforceability of oral agreement, and international discovery issues. Obtained favorable confidential settlement on eve of defendant's deposition. (E.D. Va.)

## Corporate and Employment Litigation

- As lead counsel, obtained favorable confidential settlement for terminated CEO against company operating online money transfer platforms in lawsuit alleging breach of employment contract, unfair business practices, and violations of California Labor Code and Fair Labor Standards Act. (Mass. Super.)
- As lead counsel, successfully defended Fortune 500 pharmaceutical distribution company against lawsuit alleging discrimination and wrongful termination. Secured final judgment and dismissal of all claims on grounds of plaintiff's discovery violations. (Mass. Super.)
- Defended construction software company and executive against terminated executive's claims for breach of contract and wage act violations, seeking multiple damages. Obtained summary judgment on wage act claim, resulting in favorable confidential settlement, including redemption of plaintiff's company stock. (Mass. Super.)
- Defended shareholder in LLCs operating chain of New England fitness clubs, who opened separate chain of fitness clubs with outside partner, in 3-year action brought by shareholders of original LLCs alleging breach of fiduciary duty and diversion of corporate opportunity, and seeking constructive trust over client's equity interests. Obtained favorable judgment after 20-day trial, which although in plaintiffs' favor against shareholder and outside partner, was substantially below plaintiffs' demand, and allowed client to retain equity interests and share in plaintiffs' recovery. Successfully represented shareholder in subsequent appeal, which imposed no additional liability against client and remanded to trial court to allow plaintiffs to pursue claim against outside partner for violations of Massachusetts unfair and deceptive practices act. Obtained favorable confidential settlement, allowing client to

share in additional recovery against outside partner. (Mass. Super.)

## Bankruptcy Litigation

- As lead litigation counsel for former directors of debtor international seafood distribution company, successfully defended against adversary proceeding action brought by debtor's Chapter 7 Trustee alleging breach of fiduciary duty by securing favorable confidential settlement with Trustee and insurance company and dismissal of all claims. (Mass. Bankr.)
- As lead litigation counsel to Chapter 11 Trustee of debtor currency exchange company, brought adversary proceeding action against defendant companies who failed to consummate a merger and pilfered company assets. After six years of litigation and extensive discovery, and successfully defending against multiple motions to dismiss and motions for summary judgment, obtained favorable confidential settlement obligating defendants to pay a settlement amount over several years. (Mass. Bankr.)
- Litigation counsel to debtor waste disposal companies in adversary proceeding action against lending company, where debtors sought rescission and/or reformation of promissory notes on basis that lending company engaged in predatory practice of "renting charter" of national bank to circumvent state usury laws in violation of Massachusetts unfair and deceptive practices statute. Obtained favorable confidential settlement during discovery phase. (Mass. Bankr.)
- Litigation counsel to Chapter 7 Trustee of medical device company in adversary proceeding action, where Trustee asserted that equity contributions by board members were improperly characterized as loans, and subsequent "loan repayments" were recoverable as fraudulent transfers. Following briefing on motions to dismiss, secured favorable settlement payments from former board members in excess of \$600,000. (Mass. Bankr.)

## Presentations

- Speaker, "Key Practice Tips for Personal Jurisdiction and *Forum Non Conveniens* Motions," Boston Bar Association Webinar, May 20, 2025
- Speaker, "Topics in Diversity Jurisdiction in Federal Court: Removal, Certified Questions, and Pitfalls for Closely-Held Companies," Boston Bar Association Webinar, April 9, 2024

## HONORS

- Massachusetts Super Lawyers®, Business Litigation
- Massachusetts Super Lawyers®, Rising Stars, Business Litigation

- *Boston Magazine* Top Lawyers, Commercial Litigation