

## Verdicts & Settlements

# Developer's president sued over unpaid judgment

### \$900,000 settlement

In 2009, the town of Hopkinton secured a judgment for \$966,130 against a corporate developer that had refused to complete the construction of a subdivision and make necessary repairs.

The developer failed to pay the judgment. The town then conducted post-judgment discovery and determined that a viable claim could be made against the developer's president and others in a "piercing-the-corporate-veil" strategy.

The town filed suit against the developer's president and others, asserting that the defendants were liable for the corporate developer's debt. The town secured comprehensive pre-judgment security, including attachments on the defendants' properties and

an order restricting the defendants from transferring their assets, except to pay for living expenses.

The town subsequently discovered bank records suggesting that the defendants had violated the court's order concerning pre-judgment security, and subsequently filed a complaint for civil contempt.

A contempt trial was held and the issue was taken under advisement by the court. While the contempt action was pending, the parties settled for \$900,000.

Under the terms of the settlement agreement, the defendants must make payments over the course of approximately one year. To secure the payments, the town maintains attachments on the defendants' properties.

Additionally, the parties have filed an agreement for judgment in the amount of \$1.25

million, which will be enforced in the event of a breach of the settlement agreement.

**Action:** Municipal

**Injuries alleged:** Unpaid damages from previous judgment

**Case name:** Town of Hopkinton v. Bellantoni, et al.

**Court/case no.:** Middlesex Superior Court, No. 09-04303

**Jury and/or judge:** N/A (settled)

**Amount:** \$900,000

**Date:** Nov. 2, 2010

**Attorney:** Kurt B. Fliegau, Conn, Kavanaugh, Rosenthal, Peisch & Ford, Boston (for the plaintiff)

Kurt Fliegau is a partner at Conn Kavanaugh Rosenthal Peisch & Ford, LLP. He practices in the area of civil litigation with an emphasis on commercial litigation and employment litigation, as well as construction law.

Mr. Fliegau represents clients in the state and federal court systems, and has been lead counsel in many jury and non-jury trials. He represents local, national, and international business in complex litigation matters.



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