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POSITION

Partner, Litigation Group

EDUCATION

COLUMBIA UNIVERSITY

B.S., 1968, M.S., 1970

NORTHEASTERN UNIVERSITY SCHOOL OF LAW

J.D., 1976

PREVIOUS PRACTICE AND EXPERIENCE

POSTERNAK, BLANKSTEIN & LUND LLP, Boston, MA

Partner (9/1986 – 4/2004)

FINE & AMBROGNE, Boston, MA

Partner (1/1984 – 9/1986)

Associate (9/1980 – 12/1983)

PEABODY, BROWN

Associate (9/1977 – 9/1980)

RHODE ISLAND SUPREME COURT

Law Clerk, Honorable John F. Doris (9/1976 – 8/1977)

DESCRIPTION OF PRACTICE

Civil litigation in federal and state courts, administrative and arbitration proceedings. Representation of professionals including lawyers, architects, engineers, accountants, brokers, physicians and other professionals in malpractice and disciplinary proceedings in the courts and before administrative agencies. Commercial litigation including product liability claims, officers and directors claims and other complex civil litigation arising out of business disputes. Bad Faith litigation and insurance coverage matters and monitoring counsel for insurance companies.

PROFESSIONAL MEMBERSHIPS AND ACTIVITIES

Boston Bar Association

Massachusetts Bar Association

Professional Liability Underwriting Society

American Arbitration Association, Panel of Arbitrators

Super Lawyer – 2006 (Selected among the top 5% of attorneys in Massachusetts)

Who's Who in American Law – 2007-2008

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BAR ADMISSIONS

Commonwealth of Massachusetts, 1977
United States District Court for the District of Massachusetts, 1977
U.S. Supreme Court, 1986
United States Court of Appeals for the First Circuit, 2000

SIGNIFICANT APPELLATE DECISIONS

Federal Courts:

- Quaak v. Klynveld, Peat, Marwick, Goerdeler, Bedrijfsrevistoren (KPMGB), 361 F.3rd 11, (1st Cir. 2004);
(Discovery of accounting records in international litigation).
- Baena v. KPMG, LLP, 453 F.3rd 1 (1st Cir. 2006);
(Construction of in *pari delicto* doctrine barring claim against auditor).
- Nisselson v. Lernout, 2006 WL 3216998 (1st Cir. 2006);
(Effect of in *pari delicto* doctrine).

State Courts:

- H. Sacks & Sons v. The Metropolitan District Commission, 20 Mass. App. Ct. 45 (1985);
(Validity of private nuisance claim against a governmental entity).
- Sacks & Sons, Inc. v. Metropolitan District Commission, 397 Mass. 1007 (1986);
- Rye v. Atlas, 30 Mass. App. Ct. 904 (1991);
(Jurisdictions for out of state injury under long arm statute).
- In the Matter of Moses, 8 Mass. Attorney Disciplinary Reports, 154, SJC #92-0116 BD (1992);
(Reciprocal discipline from adjoining jurisdiction).
- Catlin v. Board of Registration of Architects, 414 Mass. 1 (1992);
(Discipline of architect in preparing architectural drawings).
- Blank v. Chelmsford OB/GYN, P.C., 420 Mass. 404 (1995);
(Fiduciary obligations of stockholders in close medical corporation).
- Kerrigan v. Pulgini, 44 Mass. App. Ct. 1111 (1998);
(Standard of care in legal malpractice action).
- Rhonda Smith, et al. v. Philip Crowe, et al., 45 Mass. App. Ct. 1110 (1998);
(Proximate cause of failure to interview witnesses and overestimating value of claim).
- Baghdady v. Lubin & Meyer, 55 Mass. App. Ct. 316 (2002);
(Proximate cause of harm in legal malpractice action).