



William S. Rogers, Jr. represents a broad array of clients including technology companies, financial services institutions and their representatives, health care institutions and health care providers, product manufacturers, distributors and retailers, vendors and purchasers, construction contractors, and professional service providers in commercial disputes. His representation includes contract litigation, business torts, torts, warranty obligations, and often involves claims under statutory schemes, including the Uniform Commercial Code, Public Procurement statutes and regulations, Construction Mechanics liens, Payment and Performance Bond statutes, Unfair Competition and Unfair Trade Practice statutes and regulations, Misappropriation of Trade Secrets and Computer Fraud statutes, Data Security and Data Breach notification statutes and regulations, State and Federal Securities laws, and related class actions.

Bill is chair of the firm's multidisciplinary Nanotechnology Practice Group, which includes attorneys from many of the firm's traditional practices including employment, insurance and reinsurance, trademark, copyright, and intellectual property law, products liability, litigation, environmental, corporate, start-ups and renewable energy. Attorneys in our Nanotechnology Practice Group work as a team to identify and resolve the unique legal challenges faced by our clients in this field. Attorneys in the group are active in industry forums, conferences, and webinars, they are frequent contributors to industry publications and journals, and collaborate often with strategic partners in the toxicology, scientific, risk management, insurance consulting, business consulting, regulatory and industry standardization efforts taking place both nationally and globally. Bill's nanotechnology practice focuses on compliance and risk management, pending future nanotechnology litigation.

Bill is a lecturer and frequent speaker at industry conferences and continuing legal education programs. He edits and/or writes a quarterly article on nanomaterial risk for the International Risk Management Institute, IRMI.com. Bill recently moderated a panel on the Liberty Reserve case and the risk of unregulated crypto-currencies at the [RSA Conference](#) in San Francisco in February, 2014. Bill is now chairing the legal track for the annual Sustainable Nanotechnology Organization ("[SNO](#)") [Conference](#) this year in Boston in November, 2014.

Bill is admitted to practice in all state courts in the Commonwealth of Massachusetts, the U.S. District Courts for the Districts of Massachusetts and the Northern District of Illinois, The U.S. Court of Appeals for the First Circuit, and the United States Supreme Court. He has also been admitted specially as lead trial counsel for cases in the state courts of Connecticut, Rhode Island, Maine, and California. Bill has appeared on behalf of clients in arbitrations conducted by The American Arbitration Association and self-regulatory organizations in the securities industry.

In a career spanning nearly 28 years, Bill has tried more than 45 major cases to judgments in courts or awards in arbitration. He has tried and managed complex commercial litigations, which often involve proprietary, trade secret, and technology-driven issues involving both closely held businesses and publicly traded companies. His representation includes complex product warranty and liability cases involving a wide variety of products, from hand-held power tools, electrical and power sub-components, software products, microprocessors and integrated circuits,

silicon wafers, and heavy industrial machinery. Bill has defended a variety of medical specialists and medical institutions in alleged medical negligence and wrongful death jury trials resulting in more than 20 defense jury verdicts.

Bar Admissions

- Massachusetts
- United States District Court for the District of Massachusetts
- United States District Court for the Northern District of Illinois
- United States Bankruptcy Court, Massachusetts
- United States Court of Appeals for the First Circuit
- United States Supreme Court

Education

- Boston University School of Law, J.D., 1986
- Syracuse University Whitman School of Management, B.S., 1983

Noteworthy

- AV® Preeminent™ Peer Review Rated
- 2013-present: Selected for inclusion in *The Best Lawyers in America* and *New England's Best Lawyers*, (Woodward/White) in the areas of Commercial Litigation and Product Liability Litigation – Defendants
- 2012 - present: Named a "Massachusetts Super Lawyer" in the field of Business Litigation
- 2010-2013: Board Member, City Year Legal Community Leadership Committee for City Year's annual Boston's Legal Community Breakfast
- 2012: Elected to Republican Town Committee, Hopkinton, MA
- AAU Baseball Coach; Little League Baseball and Softball Coach; Little League Softball League Director; and Member, Board of Directors, Hopkinton Little League Baseball, Inc. (retired). 1997-2010
- Lifetime Service Award 2009, Hopkinton Little League Baseball, Inc.
- Volunteer of the Year 2008, Hopkinton Little League Baseball, Inc.

Representative Matters

- Successfully mediated a \$450,000 contract balance claim for a national life-safety systems subcontractor resulting in payment and elimination of potential counterclaims by a general contractor of more than \$1.2 million in alleged project delay damages, for a Miami-area condominium project.
- Successfully argued and obtained summary judgment as co-lead counsel for a general contractor against the Attorney General for the Commonwealth of Massachusetts, vacating a bid protest decision improperly finding the general contractor guilty of fraud during statutory pre-qualification to bid for a municipal public construction project.
- Successfully obtained dismissal as lead defense counsel of a putative class action initiated in Illinois state court against a national educational text book publisher for alleged disclosure violations of customer credit information under the Fair and Accurate Credit Transactions Act. The case was successfully removed to U.S. District Court in Illinois under the Class Action Fairness Act, and subsequently dismissed by a binding decision issued by the U.S. Court of Appeals for the Seventh Circuit after removal.
- Successfully defended and obtained dismissal of a medical malpractice action on behalf of a national health care system's Florida subsidiary hospital and its emergency room physician in the U.S. District Court for the District of Massachusetts. The case was dismissed on constitutional jurisdictional grounds after the court found it lacked personal jurisdiction over the defendants in plaintiff's wrongful death action which was instituted in Massachusetts in an alleged effort to circumvent stringent state law restrictions on filing medical malpractice actions in the State of Florida.

- Successfully mediated a \$460,000 contract balance claim by a national building wall systems subcontractor in a matter of first impression, where the owner of the commercial building alleged that its general contractor's bankruptcy filing and its subsequent project completion expenses barred the subcontractor's payment claim based on its construction of the Massachusetts Mechanic's Lien Statute, notwithstanding prior perfection of the subcontractor's lien before the general contractor's bankruptcy filing.
- Successfully resolved a \$1.2 million claim against a client guarantor for past and future rent payments allegedly due from a municipal supply vendor tenant under a commercial lease agreement, with both a disputed lease termination and disputed renewal lease term.
- Successfully resolved a breach of contract and warranty suit against a domestic publicly traded electrical power component manufacturer brought by a publicly traded international manufacturer of wireless cellular communications products and software, seeking over \$100 million in alleged compensatory damages and between \$1-2.93 billion in alleged lost profits and lost investment damages.
- Successfully resolved a breach of contract suit seeking approximately \$4 million in alleged contract damages and contractual attorney's fees and costs between two publicly traded domestic technology companies. The successful resolution was obtained through effective assertion of product warranty and fraud claims by the client-defendant against both the supplier-plaintiff and its affiliated silicon integrated circuit wafer foundry.
- Successfully prosecuted and resolved a \$1.8 million breach of contract and breach of warranty suit by a publicly traded audio-video teleconferencing products manufacturer against the privately held manufacturer of a defective custom business-to-business website and software product. The case involved a successful contempt trial against the defendant's CEO for failure to adhere to terms of an injunction order and trustee process attachment concerning the ordinary course use of corporate funds pending trial.
- Successfully resolved a breach of contract and breach of warranty arbitration claim by a publicly traded manufacturer of video-on-demand server products and software seeking \$2 million in compensatory damages and over \$30 million in lost profits damages against a client-defendant electrical power component manufacturer.
- Successfully prosecuted and resolved an unfair trade practice consumer class action suit against a publicly traded operating system software manufacturer which resulted in a maximum settlement value of software and hardware product vouchers of \$34 million in the Commonwealth of Massachusetts. Settlement was effected by the innovative use of the Massachusetts Consumer Protection Act's statutory damages remedy, in conjunction with a motion for summary judgment seeking collateral estoppel enforcement of a federal judgment finding violations of federal and state antitrust and unfair trade practice statutes.
- Successfully prosecuted and resolved unfair competition, business defamation and tortious interference suit by client-plaintiff, the largest manufacturer of public safety and law enforcement vehicles in the United States, against a large automotive dealer competitor and its agents, which resulted in retraction of the defamatory statements and preservation of the client-plaintiff's position in the public contract marketplace.
- Successfully defended a client-defendant public safety and law enforcement vehicle manufacturer's \$40 million contract award from a municipal cooperative procurement agency in a suit by an unsuccessful competitive bidder.

Memberships

- American Bar Association, Litigation, Business, Products Liability and Tort and Insurance Practice Sections, member (1986 - 2009)
- Massachusetts Bar Association, Litigation Section, member (1986 - 2013)
- Boston Bar Association, Litigation Section, member (2008 - present)
- Worcester County Massachusetts Bar Association, Civil Litigation Section, member (1986 - 2009)

Professional Activities

- Founder, New England Nanotechnology Association
- Center for High-Rate Nanomanufacturing, University of Massachusetts Lowell, Lowell, MA, Board Member, Executive Advisory Board, 2011 - present
- U.S. Delegate to ISO/ANSI Technical Committee 229 Nanotechnologies, 2009 - present
- 720 Comstock Avenue, Inc., Charitable Housing Corporation for Pi Kappa Alpha Fraternity at Syracuse University, President and Director, 1990 - present
- Pi Kappa Alpha Fraternity: Alpha Chi Chapter, Alumni Association, member, 1983 - present

Seminars & Speeches

- Panelist, Sustainable Nanotechnology Organization Conference, November 3, 2014
- Moderator and Panelist, "Involved in Superior Court Jury Trials in MA? Join us for a Must-Hear Seminar on the New Trial Court Bill" - Prince Lobel seminar, September 23, 2014
- Moderator, New England Nanotechnology Association Breakfast Meeting, September 16, 2014
- Panelist, "Liberty Reserve Money Laundering Case: The New Face of Cybercrime?" - RSA Conference, February 27, 2014
- Panelist, "Data Breaches and Digital Disasters" - Prince Lobel seminar, November 14, 2013
- Moderator, "EHS: Workplace Exposure Assessment for Nanomaterials" - Destination Nano, September 24, 2013
- Speaker, "Responsible Product Development - Food-Contact Textiles Containing Nanoscale Silver" - Society for the Study of Nanoscience & Emerging Technologies – Fifth Annual Meeting - October 29, 2013
- Speaker, Prince Lobel-Exponent, Inc. webinar presented by ISSA, the Worldwide Cleaning Industry Association - March 27, 2013
- Speaker, "Consumer Labeling, Warnings, and Instructions for Nanomaterial Containing Products," Society of Chemical Hazard Communication Conference, September 2012
- Speaker, Prince Lobel-Exponent, Inc. webinar on "Nanomaterial Hazard Communication, Labeling, and Warnings," June 5, 2012
- Organizer and Speaker, "Destination Nano: Concept to Commercialization" at UMass Lowell, May 15-16, 2012
- Speaker, "Cyber Liability Institute," New Jersey Institute for Continuing Legal Education, December 5, 2011
- Chair and speaker, "Drafting and Enforcing Warranties & Disclaimers," Massachusetts Continuing Legal Education, Inc., November 9, 2011
- Featured, "Personal Data Loss and Thefts: What to Do?" New England Cable News, September 26, 2011
- Speaker, "Preserving Nanotechnology as a Technological Beacon of Prosperity for Industry & Business in the 21st Century," Chemistry Council of New Jersey's 27th Annual Spring Conference, May 2, 2011
- Speaker, "The Next Small Step For Mankind - Nanotechnology's Journey to Commercialization," University of Massachusetts Lowell's Nanomanufacturing Center of Excellence and Center for High-Rate Nanomanufacturing, Day Pitney LLP and Bluewater Consulting First Annual Collaborative Conference, April 12, 2011
- Speaker, "The Potential Toxicity of Nanomaterials: Best Practices and What You Should be Doing Now," Chemistry Council of New Jersey Health & Safety Committee Meeting, December 7, 2010
- Panelist, "Nanotechnology Enabled Products: Advanced Litigation Preparedness," ALM, Webinar, December 15, 2010
- Chair and Speaker, "Cyber Liability in the Age of the New Data Security Laws," Massachusetts Continuing Legal Education, June 29, 2010
- Moderator/Speaker, "Nanotech Conference & Expo 2010," Tech Connect World Conference & Expo 2010, Anaheim, California, June 21-24, 2010
- Interviewed, "Nanotechnology: A New Force For Human Betterment - Part II," The Metropolitan Corporate Counsel, April 2010
- Speaker, "Nanotechnology, Safety, Risk and the Environment," North Carolina Nanotechnology Commercialization Conference, March 31 - April 1, 2010
- Quoted, "UNH Chemistry Breakthrough Could Lead to 'Chameleon' Camo and Rollup TVs," Mass High Tech, March 17, 2010
- Interviewed, "Nanotechnology: A New Force for Human Betterment - Part I," The Metropolitan Corporate Counsel, March 2010
- Speaker, "Cyber Liability in an Automated Business Climate From Legislation to Litigation...How to Manage the Risk," Day Pitney Seminar, February 4, 2010
- Speaker, "Nanotechnology Products in 2010: What You Need to Know Now About Warning, Labeling, and Instructions," Day Pitney Webinar, January 21, 2010
- Featured, "Massachusetts High Court Allows Lung Cancer Monitoring Claims to go Forward," National Law Journal, November 2, 2009
- Speaker, "Nanotechnology: The Next 10 Years," Nanotechnology Health & Safety Forum, Seattle, WA, June 8-9, 2009
- Moderator/Speaker, "Environmental, Health and Safety: Nanotechnology Policy, Regulation & Product Safety," Nanotech 2009, Nano Science and Technology Institute (NSTI), Tech Connect World Conference & Expo 2009, Houston, Texas, May 3-7, 2009