

## Mark W. Freel

Counsel

Providence

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Mark assists clients with a broad spectrum of disputes and issues, including post-transactional disputes, employment matters, and the enforcement of covenants not to compete.

### OVERVIEW

Mark represents clients in litigation matters across various industries, including private equity, manufacturing, and real estate. He is experienced in jurisdictions such as Delaware, Illinois, Rhode Island, Massachusetts, and New York. Mark handles a wide range of disputes involving areas such as construction, real estate, employment, unfair competition, trade secrets, probate, and family business disputes.

Mark provides a comprehensive approach to resolving complex legal challenges, often avoiding costly litigation through strategic settlements. He frequently advises on employment matters, the protection of proprietary business information, and commercial disputes arising from the Uniform Commercial Code.

His extensive trial experience and commitment to client service make him a trusted advisor for businesses facing critical legal issues.

### REPRESENTATIVE MATTERS

- Won a trial in state court in New York City on behalf of a private equity portfolio company that fired a senior executive for cause, securing relief from severance obligations and ensuring the enforceability of noncompete provisions.
- Provide advice on noncompete claims, including “employee raiding” cases and disputes among competitors.
- Currently representing a private equity client and portfolio company in Delaware litigation against the former company CEO and founder.
- Represented private equity investors in numerous post-transactional disputes involving purchase price funds held in escrow to indemnify buyers. Settled several cases on terms in favor of the buyers; other cases are currently pending.
- Provide advice to businesses facing workplace issues related to COVID-19.
- Currently representing a real estate developer in connection with municipal disputes over a proposed mixed-use development complex.
- Currently representing a marina operator and property manager in litigation arising out of a lease dispute.

- Frequently represent portfolio companies of private equity investors in a wide variety of employment issues with senior executives and other employees, including the enforcement of noncompete and non-solicitation provisions in post-acquisition scenarios.
- Represented a substantial charitable foundation in connection with a probate dispute involving a multimillion-dollar bequest.
- Currently part of a team representing multiple clients in a multimillion-dollar environmental cleanup case in U.S. district court.
- Recently secured a settlement on behalf of a client of construction defect claims brought by a condominium association at an 80-unit luxury waterfront development against the project developer, and also secured a settlement in favor of individual homeowners in a high-end residential subdivision with similar claims of water intrusion and other defects.
- Frequent experience representing individuals and family members in a wide range of probate and fiduciary disputes, including a recent bench trial involving a dispute over fiduciary fees, resulting in a substantial reduction of fees in favor of trust beneficiaries.
- Regularly advise a higher educational institution on student disciplinary issues, Title IX claims, and COVID-19 procedures.
- Recently advised multiple employers, including manufacturers, on issues related to the use of marijuana (medical and recreational) in workplace settings; related publications and speaking engagements.
- Represented a national construction and real estate company in fiduciary issues arising out of corporate governance, shareholder rights, and executive compensation.
- Secured a mandatory injunction ordering a contractor to demolish a \$2 million waterfront home that was mistakenly built on public park land owned by a charitable foundation. That decision was recently upheld on appeal; *Nulman v. Four Twenty Corp.*
- Frequently advise product manufacturers on the commercial terms and conditions of product sales and assists in the resolution of commercial disputes with customers and vendors.
- Represented a national manufacturer of building products in complex litigation involving hotels and private residences around New England.
- Represented an international distributor of seafood products in a dispute concerning trademark rights and claims of unfair competition.
- Secured a jury verdict for a national distributor of petroleum products in a trial involving property and contractual rights at a petroleum pier.
- Represented an international construction company in claims and contract issues arising out of the construction of a multimillion-dollar water treatment plant.
- Obtained a defense jury verdict in a multimillion-dollar product liability trial on behalf of Honeywell, the manufacturer of a residential smoke detector; *Kiely v. Honeywell*.
- Defeated a motion for preliminary injunction in a case involving allegations of trademark infringement and trademark dilution; *Bob's Off-Price v. Bob's Stores*, U.S. district court.
- Argued a summary judgment motion as lead counsel for Transamerica in a class action suit concerning the constitutionality of mortgage escrow procedures employed in the management of thousands of mortgage accounts. The U.S. Court of Appeals for the First Circuit upheld the summary judgment on appeal; *Tomaiolo, et al. v. Transamerica*, First Cir.
- Represented clients in numerous preliminary injunction hearings involving trade secret claims and other related technological and intellectual property matters. Trade secrets cases have involved manufacturing processes, including electroplating and other metal surface finishing; wireless communications; software designs and data storage methodologies; chemical products; automotive issues; and other mechanical engineering issues.
- Has substantial experience handling disputes in family-owned and closely held businesses, including related probate litigation matters and shareholder disputes.
- Assisted the Moderate Party, a fledgling third party in Rhode Island politics, in challenging the constitutionality of statutes that govern how political parties can get on election ballots; *Block v. Mollis*.

- Frequently acted as lead counsel in numerous matters involving constitutional and civil rights, such as First Amendment issues and section 1983; *Global Waste Recycling, Inc. v. Mallette*; *Tomaiolo v. Transamerica*; *Rhode Island Association of Realtors, Inc. v. Sheldon Whitehouse*; *Block v. Mollis*; *Irons v. Ethics Commission*.
- Handled employment discrimination claims, including allegations of discrimination arising out of age, gender, race, and disabilities.

## AWARDS

- *The Best Lawyers in America*®, Commercial Litigation (2006-2026)
- *Chambers USA*, Litigation: General Commercial (2004-2025)
- *Super Lawyers*® New England, Business Litigation (2007-2020)
- *Super Lawyers*® Rhode Island, Business Litigation (2007-2020)
- Rhode Island Affiliate of the American Civil Liberties Union, William G. McLoughlin First Amendment Award (2012)
- AV Rating® by Martindale-Hubbell

## TOP AREAS OF FOCUS

- Labor + Employment
- Litigation + Trial

## ALL AREAS OF FOCUS

- Business Litigation
- Labor + Employment
- Labor + Employment Litigation + Dispute Resolution
- Litigation + Trial
- Real Estate Litigation

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Board of directors, Rhode Island Community Food Bank
- Board of directors, secretary and counsel, Rhode Island Manufacturer's Association
- Board of directors, New England Legal Foundation
- Chairman, Legal Review Committee
- Vice chair, Zoning Board of Review (Barrington, RI)
- Member, Rhode Island Bar Association

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- University of Connecticut School of Law, J.D., *highest honors*, 1987
- University of New Hampshire, M.A., 1981
- University of New Hampshire, B.A., 1975

## **BAR ADMISSIONS**

- Rhode Island
- Massachusetts

## **COURT ADMISSIONS**

- U.S. Court of Appeals, First Circuit
- U.S. District Court, District of Rhode Island
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, District of Massachusetts
- U.S. District Court, District of Connecticut

## **SPEAKING ENGAGEMENTS**

- Speaker, "Legalization of Marijuana in Rhode Island: New Challenges for Employers," RIMA Exhibit and Show: Connect, Grow, Develop, November 16, 2022.
- Speaker, "Legal Aspects of COVID Vaccinations," Polaris MEP, December 15, 2021.
- Speaker, "Legal Aspect of COVID Vaccinations," Polaris MEP, June 3, 2021.
- Speaker, "Employer Liability Issues When Returning to Work from COVID-19," Providence Chamber of Commerce Webinar, May 1, 2020.
- Speaker, "HR Roundtable with Locke Lord: Labor Laws in the Time of COVID-19," Greater Newport Chamber of Commerce Webinar, April 8, 2020.

## **PUBLICATIONS**

- Author, "Legalized Marijuana in Rhode Island Presents New Challenges for Employers," Locke Lord QuickStudy, May 25, 2022.