



## Jason A. Manekas

### Partner

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### Overview

As a proven advocate, formidable litigator, and dedicated service provider, Jason Manekas solves problems for individuals and businesses of all sizes faced with complex commercial, business, and real estate disputes and litigation. In addition to his legal acumen and smart judgement, Jason's background in business operations and strategy give him unique insight into specific client needs that result in practical advice while safeguarding their bottom line and achieving their individualized objectives.

Jason's innate ability to analyze complex scenarios, coupled with aggressive case management abilities, consistently supports favorable outcomes that conserve client time and resources. Jason is experienced in resolving litigation – both in and out of court – that ranges from millions to hundreds of millions of dollars in value, including breach of fiduciary duty claims, contract disputes, landlord/tenant disputes, zoning appeals, and shareholder, derivative, and class actions, as well as matters relating to loan servicing and foreclosure. He is particularly skilled in resolving difficult title insurance claims and litigation. By listening to clients and understanding the underlying financial and motivational drivers inherent in a given matter, Jason devises bigger picture strategy and key tactical advantages that support each client's endgame.

Jason's practice includes a deep bench of trial and appellate acuity. He has established favorable legal precedent on several occasions before Massachusetts' highest court and successfully advocated before the NH Supreme Court, MA Supreme Judicial Court, and U.S. Court of Appeals for the First Circuit. However, Jason believes that litigation is not about the fight, but rather *the solution* – and believes in mitigating problems and disputes all together through pre-litigation counseling and customized client best practices.

With a reputation for being straight-forward and bottom-line oriented, Jason is candid about each client's chances for success and specific paths to resolution. He is skilled in processing and synthesizing copious amounts of information and electronic and other discovery. Jason has proven time and again his good judgement when mining information and identifying core issues and the most persuasive talking points and legal arguments that reflect his client's strengths going forward. A fearless decision-maker who is determined to prevail, Jason works with clients to make smart decisions grounded in sound legal theory and practical business objectives. Jason is also a bold negotiator who leverages opposing counsel's limitations, time constraints, and other weaknesses. He is an engaging, charismatic, and precision communicator who can establish immediate dialogue and rapport in the face of serious acrimony and disparity.

An active member of the firm's Executive Board, Jason is a natural leader who values team play and collaboration, as well as people and their distinct contributions to serving firm clients. Jason is fair, trust-worthy, and hard-working – he considers the needs of clients and colleagues alike before his own. As a result, it is no surprise Jason was listed among the 2005, 2006, 2007, and 2008 *Rising Stars Edition of Massachusetts Super Lawyers* and is also AV Rated by Martindale Hubbell Peer Review.

### Matters & Transactions

- Abrogated the "in for one, in for all" rule in Massachusetts with respect to title insurance
- Eliminated the duty to defend by title insurers in Massachusetts with respect to lender liability claims even if they seek to void insured mortgages
- Successfully represented landowner in dispute with tenant and sub-tenants who claimed they

### PRACTICE AREAS

- Litigation
- Fiduciary Practice Group

### Credentials

#### Education

- Suffolk University School of Law, J.D., 1995
- University of New Hampshire, B.S., *summa cum laude*, 1992

#### Bar Admission

- New Hampshire, 1995
- Massachusetts, 1996
- U.S. District Court for the District of Massachusetts
- U.S. District Court for the District of New Hampshire
- U.S. Court of Appeals for the First Circuit

#### Clerkships

Law Clerk to the Justices of the Superior Court of Massachusetts

had a perpetual lease of the underlying property comprised of nearly seven acres of land located across the street from Nantucket Sound

- Successfully represented general contractor in dispute with property owners that culminated with an 11-day construction arbitration. The arbitrator dismissed the owners' claims for \$1.8 million against the general contractor and awarded the general contractor 100% of its claim, plus interest
- Obtained summary judgment award for our client concerning its exercise of an early termination provision in commercial lease. The Court agreed with our interpretation of the lease language finding it to be the only "rational interpretation" and dismissed all claims against our client. The decision was obtained at an early stage of litigation, thus saving the client substantial litigation costs
- Successfully defended lenders and loan servicers in actions by borrowers challenging foreclosure and raising a myriad of claims designed to undo the foreclosure and/or cloud title to the property
- Represented developer sued by potential purchaser of a luxury condominium in a 5-count complaint claiming, among other things, specific performance. We were able to dissolve the lis pendens and obtain summary judgment on all claims in approximately six weeks from commencement of the lawsuit

## Memberships & Activities

Bernkopf Goodman LLP Executive Committee, Member

## News

- Client Alert: Municipal Board Hearing Gone Wrong (or Right)
- Jason A. Manekas: Go To Litigation Lawyer
- U.S. Supreme Court Overturns Right to Abortion: What it Means in Massachusetts
- Governor Baker Pocket Vetoes Two Key Tenant Protection Provisions Within the New Stimulus Bill
- If You're a Small Boston Business, Don't Forget the Reopen Boston Fund
- Governor Baker Extends the MA Eviction Moratorium For 60 Days
- MA Courts Will Soon Reopen for Business... In Phases of Course
- A Practical Guide to the Newly Enacted Massachusetts Eviction Moratorium for Commercial Landlords
- Governor Baker Signs Moratorium for Evictions and Foreclosures in Massachusetts
- Legislation Seeks to Force Insurers to Cover COVID-19 Business Interruption Losses
- State Authority and Municipality Deadlines Extended at Least 45 Days After State of Emergency Ends
- Massachusetts Evictions On Hold Due to Coronavirus Concerns
- SJC Confirms Landlords May Obtain Occupancy Payments During Eviction Proceedings and Outlines the Critical Factors
- First Circuit Court of Appeals Withdraws Foreclosure Decision Adverse to Lenders and Certifies Question to MA Supreme Judicial Court
- Client Alert: Business E-mail Compromise (BCE)
- Suit to enforce non-compete must be heard in California
- GMAC Mortgage, LLC vs. First American Title Insurance Company
- Deutsche Bank National Association, trustee, vs. First American Title Insurance Company
- Client Alert: First Circuit Court of Appeals Expected to Turn to Supreme Judicial Court for Help in Resolving Bankruptcy Code-Related Mortgage Enforcement Dispute
- First Circuit Adopts Fraudulent Joinder Doctrine for Removal to Federal Court
- Indemnity vs. Acceleration: The Importance of Post-Termination Clauses in Leases
- New SJC Decision Eliminates Common Borrower Challenge To Foreclosure
- SJC OKs Mechanism for Lenders to 'Cure' Defective Mortgage Acknowledgments
- Study Says Fathers Involved at Home are Happier at Work
- First Circuit To Seek SJC Help On Bankruptcy Trustee "Loophole" To Avoid Mortgages
- Life After Eaton
- Where Is The Money
- Court Decisions May Affect Cottage Colony Summer Plans