



O'Connor Carnathan and Mack LLC



Sean T. Carnathan

Partner

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Sean is a partner and founder of the firm, who focuses his practice in complex business litigation. He has been litigating since 1993 and has appeared in state and federal courts all over the country. He has substantial experience with director, officer and shareholder litigation, trust fund litigation and insolvency related litigation. Sean has also prosecuted a number of significant claims for unpaid wages and has helped secure recoveries for clients which, in the aggregate, exceed \$1.3 million. He regularly advises corporate executives in transition regarding their employment contracts and non-compete obligations. Sean is a regular commentator on legal issues and has published many articles over the years.

Education

LL.M., Harvard Law School

J.D., University of Maine School of Law
summa cum laude

A.B., Bowdoin College
magna cum laude

Clerkship

Honorable Paul L. Rudman,
Maine Supreme Judicial Court

Bar Admissions

Maine, Massachusetts

Honors and Awards

Martindale Hubbell
AV Rating

Massachusetts Super Lawyer
2008, 2009

Highlights and Accomplishments

- Leading the prosecution of claims in the federal court in Massachusetts, brought by a subordinate lender against the debtor, senior lender, debtor’s parent companies and owners, and related parties in a complex dispute involving the interpretation of an intercreditor agreement
- Leading the prosecution of claims in the federal court in Massachusetts, brought by one of the world’s largest global asset custodians against the second largest bank in Iceland for the mishandling of a tender offer
- Leading the representation of one of the world’s largest global asset custodians in two related cases in the federal court in New York City arising out of the “breaking of the buck” by the Primary Reserve Fund
- Leading the defense of one of the world’s largest global asset custodians against multi-million dollar claims in the federal court in Los Angeles, arising out of the transfer of assets from Lehman Brothers at the time of Lehman’s bankruptcy
- Leading the defense of the former chairman and CEO of a textile manufacturer against multi-million dollar claims brought by the creditor’s committee in the New Hampshire bankruptcy court, alleging fraud and breach of fiduciary duty
- Leading the defense of the majority shareholder and former directors of a failed software company against claims of self-dealing in a case that was tried before the Delaware Chancery Court
- Leading the defense of the trustees of a trust with over \$20 million in assets against claims in the Massachusetts Probate Court by a former housekeeper seeking a share of the trust fund
- Leading the defense of a distressed-asset hedge fund against claims by a disgruntled investor in a case in which OCM won summary judgment in the federal court in Houston, Texas



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Partner

**Professional
Activities**

Associate Editor:

Litigation News, 2004-present

Adviser: Harvard Law
School Trial Advocacy
Program, 1998-present

Moot Court Judge:

Harvard Law School First
Year and Ames Programs,
1997-present

Board of Directors:

ImprovBoston, 2005-2007

Board of Directors:

Government Employees
Credit Union, 1995-1999

Columnist: *Arlington*

Advocate, 2003-2004

Visiting Instructor: Tufts

University, Spring 1998

- Leading the prosecution of Wage Act and related claims for failure to pay commissions in excess of \$1.8 million
- Leading the defense of a trust beneficiary against claims in the Massachusetts Probate Court, in which the plaintiff asserted that three trusts containing over \$20 million in assets had lapsed, and which claims OCM defeated on summary judgment
- Leading the defense of an Internet infrastructure company against claims to pierce the corporate veil by a creditor of a failed subsidiary company in a case that OCM won after a week-long trial in the Massachusetts Superior Court
- Leading the prosecution of securities fraud claims in the federal court in New York City, brought by a New York hedge fund against an Internet gaming company
- Leading the successful prosecution of claims brought by a trust beneficiary against a faithless trustee in connection with three real estate trusts in a case that involved both the Massachusetts Superior Court and the Massachusetts Probate Court
- Successfully defending a major national retailer against a consumer class action in the Michigan state court
- Leading the prosecution of claims by a private equity placement agent against his former employer
- Defending a major automobile manufacturer against a series of warranty claims by a disgruntled dealer in the Maine state courts
- Leading the defense of one of the world's largest integrated power systems manufacturers against claims brought by an injured subcontractor
- Leading the successful prosecution of claims in the Massachusetts Superior Court Business Litigation Session, brought by an aggrieved owner of a closely held wholesale food distribution company against his faithless co-owners in a case where the major issues were decided in favor of OCM's client on summary judgment
- Successfully prosecuting warranty claims brought by a major Internet infrastructure component manufacturer