



O'Connor Carnathan and Mack LLC



David B. Mack

Partner

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David Mack is a partner of the Firm, which he joined in 2005.

Practice

David has been a commercial litigator since 1995, and has extensive trial and appellate experience in both the state and federal courts. David advises individuals, public and private companies on a wide range of matters, with a particular emphasis on landlord-tenant, real estate and insurance coverage disputes. David provides practical, efficient advice to clients suitable to the particular circumstances at hand. In 2009, a Massachusetts court, in awarding attorneys fees to OCM's client in an insurance coverage dispute, enhanced the fee award by 50% on account of the effectiveness and efficiency of the services provided.

David joined the Firm in 2005 after spending ten years in the litigation departments of the Boston firms Hutchins, Wheeler & Dittmar, P.C. and Nixon Peabody LLP.

David has been a member of the City of Beverly Planning Board since 2006. Board of Directors of Camp Bannercrest, a non profit organization in Amesbury, Massachusetts.

Recent Accomplishments

- Jury verdict in a commercial lease dispute on behalf of a shopping mall owner.
- \$4.5 million judgment against a prominent life insurance company for unfair claims settlement practices.
- Jury verdict in federal court on behalf of a large consulting firm in a contract dispute.
- Prevailed in the Southern District of New York on motion to dismiss federal securities law claims against the former officers of a regional telecommunications company.
- Obtained summary judgment in insurance coverage dispute on behalf of the New Hampshire Insurance Guaranty Association.
- Prevailed on motion for summary judgment on behalf of regional developer in a matter concerning the validity of a local zoning amendment.
- Victorious motion for summary judgment in federal court, dismissing claims against public company under guaranty.

Education

University of Connecticut School of Law, Hartford, CT, J.D. 1995 – *With Honors*

Journal: Connecticut Journal of International Law, Book Review and Compendium Editor, 1995

Author: Reynolds v. International Amateur Athletic Federation, The Need for an Independent Tribunal in International Sports, Fall 1995

Dartmouth College, Hanover, NH, A.B., 1992 (Government)

Bar Admissions

Massachusetts; United States Supreme Court; United States Court of Appeals for the First Circuit; United States Court of Appeal for the Second Circuit; United States District Court for the District of Massachusetts



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Reported Decisions

Ruthardt v. U.S., 393 F.3d 375 (1st Cir. 2002)

Norfolk & Dedham Mutual Fire Ins. Co. v. Massachusetts Insurers Insolvency Fund, 442 Mass. 704 (2004)

Massachusetts Insurers Insolvency Fund v. The Premier Ins. Co. of Mass., 439 Mass. 318 (2003)

Massachusetts Insurers Insolvency Fund v. Safety Ins. Co., 439 Mass. 309 (2003)

Sheehy v. Town of Plymouth, 191 F.3d 15 (1st Cir. 1999)

Signature Flight Support Corp. v. Global Naps Realty, Inc., 2005 Mass. App. Div. 24

Professional Recognition

Named Rising Star by Massachusetts Super Lawyers, 2004.