

January 2024

**RAZOR**  
eNewsletter

FROM



O'Connor  
Carnathan &  
Mack

GIVING OUR CLIENTS AN EDGE



## ***Illinois Resident Who Worked for MA Company Could Not Pursue Claim Under MA Wage Act***

Plaintiff John Musachia (“Musachia”), an Illinois resident, brought a Wage Act claim against his former employer, defendant Abiomed, Inc. (“Abiomed”). Abiomed is a medical device company based in Massachusetts. Musachia had an assigned territory in the Chicago area, though Abiomed had no office there. Musachia had an initial training period in Massachusetts but thereafter worked from his home in Illinois. Musachia’s direct managers were not in Massachusetts, and he performed no work in the Commonwealth. In addition, his offer letter stated that Illinois law would govern his employment. Musachia alleged that Abiomed’s human resources department is located in Massachusetts and he was terminated by a phone call from Massachusetts.

On the parties’ cross-motions for summary judgment, the Court decided in favor of Abiomed. The Court applied a “functional choice-of-law” approach to determine whether Musachia could

pursue a Wage Act claim. The Court concluded that the choice-of-law provision in the offer letter was valid and enforceable and that it was not contrary to public policy. Once the Court made that determination, it further held that Musachia’s Wage Act claim failed as a matter of law because Illinois “unquestionably has the more significant relationship to the employment agreement and the parties.”

This case serves as a reminder, particularly in this modern era of remote work, that one cannot assume that the Massachusetts Wage Act will apply to all employment relationships involving a Massachusetts-based employer.

## About OCM

OCM is boutique litigation firm based in Burlington, Massachusetts, whose clients include Fortune 500 companies as well as closely held businesses and astute individuals. OCM’s attorneys help their clients not only resolve disputes but also avoid them altogether. Whether you are facing a courtroom battle, arbitration, mediation, or negotiation, OCM can help.





[View Our Website](#)

[Unsubscribe](#)

OCM Law 10 Burlington Mall Road Suite 301 Burlington, Massachusetts 01803 United States (781) 359-9000