



**Douglas M. Marrano**  
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## Experience

Douglas M. Marrano is a litigation Partner in the New York Office, working in Donovan Hatem's professional practices group and business litigation group. Douglas is a trial and appellate lawyer with more than ten years of experience in representing individuals, insurers, design professionals, and corporations. He concentrates his practice in the defense of business professionals such as architects, engineers, attorneys, insurance brokers, real estate brokers, and accountants.

In addition, Douglas handles a wide variety of commercial litigation matters, including business disputes among corporate owners, recovery of contract balances, commercial lending matters, and disputes over jointly owned assets. He has been involved in regional and national litigation matters, and has obtained significant decisions in various State and Federal Courts

## Admitted to Practice

- Massachusetts
- New York
- District of Columbia
- United States District Court for the Southern District of New York
- United States District Court for the District of Massachusetts
- United States Court of Appeals, First Circuit
- United States Court of Appeals, Second Circuit
- United States Court of Appeals, Ninth Circuit
- United States Supreme Court

## Education

- Boston University College of Communication (M.S., Mass Communications, 2000, with Distinction)
- Boston University School of Law (J.D., 1999)
- Boston University (B.S., Print Journalism, 1996, *magna cum laude*)

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*(Douglas M. Marrano, continued)*

## **Representative Cases**

- Principle drafter of appellate brief and obtained appellate decision affirming trial court summary judgment decision to dismiss engineering firm on the ground that economic loss doctrine precluded plaintiff's claims where doctrine had not previously been extended to claims against design professionals in this way.
- Obtained defense verdict for engineer where developer claimed engineer's services were negligent for failing to produce plans and specifications from which developer's contractors could build out facility when engineer contracted only to provide permit-level plans capable of obtaining a permit from the building department.
- Obtained defense verdict for engineer where property owner claimed engineer breached its contract by failing to perform actions enumerated in engineer's contract.
- Obtained summary judgment for attorney where plaintiff claimed attorney breached his standard of care as closing attorney by not issuing settlement proceeds when dispute arose among purported trustees over use of the money. Decision upheld by Massachusetts Appeals Court.
- Obtained summary judgment for engineer where plaintiff claimed design of sump pump grate was deficient resulting in plaintiff's accident on the grounds that plaintiff provided no evidence that engineer designed the grate in question and that engineer had no responsibility for means and methods of construction or installation of the grate.
- Obtained summary judgment for attorney where plaintiff alleged attorney hired to assist with obtaining special permit for age- and price-restricted property development should have given him business advice that there were other uses for the property which may have yielded greater profits.
- Successfully moved for summary judgment for architect and engineer where plaintiff alleged design professionals did not maintain worksite safety resulting in plaintiff's injuries on the grounds that defendants were not responsible for worker or worksite safety or for means and methods of construction.
- Principal drafter of appellate brief that led to affirmation of trial court decision granting summary judgment to real estate attorney finding no negligent conduct for withholding disbursement of closing funds when different company directors gave conflicting instructions on how to disburse funds.
- Successfully moved to dismiss claims against attorneys assigned as "shadow" counsel to criminal defendant representing himself *pro se* on the ground that court-appointed shadow counsel are not acting under color of state for purposes of civil rights violations. Decision affirmed by First Circuit Court of Appeals, petition for certiorari denied by United States Supreme Court.

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*(Douglas M. Marrano, continued)*

- Successfully moved for summary judgment for architect where plaintiff claimed it lost future prospective business because architect required plaintiff to perform additional services on project beyond normal standards on the ground that plaintiff's claim was barred by the economic loss doctrine and did not fall within the "negligent misrepresentation" exception.
- Successfully moved to dismiss claims against attorney assigned as standby counsel to criminal defendant where plaintiff alleged 6<sup>th</sup> Amendment violations for failing to obtain evidence to prove the Plaintiff's innocence on the grounds that the plaintiff waived his 6<sup>th</sup> Amendment right to effective assistance of counsel by choosing to represent himself and that the Plaintiff had suffered no damages because his criminal case had not yet gone to trial.

### **Articles and Publications**

*Existence and Potential Waiver of the Accountant-Client Privilege*, The Accountant/Attorney Liability Reporter, February/March 2010.

*New York Court Awards Judgment to Homeowner Against Attorney Over Bankruptcy Advice*, The Accountant/Attorney Liability Reporter, February/March 2010.

*The Basics of Accountant Malpractice: Things Every Accountant Should Know*, The Accountant/Attorney Liability Reporter, October 2009.

*Federal Government Tightens Integrity Reporting Requirements for Federal Contractors*, Donovan Hatem LLP Client Alert, January 2009.

*Massachusetts Court Rules Gender Discrimination Law Applies to Businesses with Fewer than Six Employees*, The DH Benchmark, Winter 2009.

*Former Employee Challenges Massachusetts Law Prohibiting Gender Discrimination Claims Against Businesses with Fewer than Six Employees*, The DH Benchmark, Summer 2008.

*New York Court Imposes Duty on Design Professional to Third-Party Owner in Light on Certifications to City Building Department*, The Design and Construction Management Professional Reporter, April 2008.

*Nebraska Federal Court Denies Summary Judgment for Architect on Professional Negligence Claim*, The Design and Construction Management Professional Reporter, April 2008.

*Auditor may be Primarily Liable for Securities Fraud for Failure to Correct False or Misleading Financial Opinions*, The Accountant/Attorney Liability Reporter, April 2008.

*Closing Attorney Not Liable to Seller as Escrow Agent in Absence of Contract with Seller of Property*, The Accountant/Attorney Liability Reporter, October 2006.

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*(Douglas M. Marrano, continued)*

*Design Specification are a Matter of Professional Judgment and Do Not Trigger an Action in Negligent Misrepresentation, The Design and Construction Management Professional Reporter, August 2006.*

**Accolades**

- New England Super Lawyers Rising Star, 2010
- New England Super Lawyers Rising Star, 2008
- Massachusetts Super Lawyer Rising Star, 2007