



Partner Bio: **Francis D. Dibble, Jr.**

Practice Areas

- Litigation
- Health Care
- Government Strategies
- Alternative Dispute Resolution



fdibble@bulkley.com



413-272-6246

FAX

413-272-6804

Bio

Sandy Dibble is a member of the Litigation, Health Care and Employment practice groups.

Prior to joining the firm, Sandy served as a law clerk for Justice Francis J. Quirico of the Massachusetts Supreme Judicial Court. Since then, he has concentrated his practice in resolving problems and disputes for individuals and for-profit and non-profit enterprises through advice, negotiation, litigation, arbitration and mediation involving a wide range of matters including health care, antitrust, trade regulation, shareholder rights, employment discrimination, personal injury and other issues. As a Massachusetts Superior Court Judge wrote in one opinion: "Mr. Dibble is one of the premier attorneys in Western Massachusetts." He has tried to conclusion and won more than 100 substantial cases by jury verdict or judicial decision in the federal and state courts. He has argued more than 30 appeals before the Massachusetts Supreme Judicial Court and Appeals Court and U.S. Courts of Appeals. Many of his trials and appeals have involved high-stakes and high-profile matters drawing media attention. In addition, he has taught and written extensively on matters related to his legal practice. Within the firm, Sandy served for many years as Managing Partner and Chair of the firm's Executive Committee as well as Chair of its Litigation Department.

While with the firm, Sandy has served as outside General Counsel to several clients, including Taylor Rental Corporation and Baystate Health, Inc., the largest health care system in western Massachusetts, advising on matters of regulatory compliance, governance, best practices, governmental investigations, conflicts of interest and other matters. He has also served as Adjunct Professor of Evidence at Western New England Law School and as a frequent speaker at continuing legal education seminars. At the request of various state and federal courts, Sandy has served as special counsel and as commissioner and committee member or chair in matters of public interest.

Bar Admissions

Massachusetts
District of Massachusetts
District of Connecticut
District of Maryland
First Circuit Court of Appeals
Supreme Court of the United States

Education

Amherst College, A.B., 1971
Suffolk University Law School, J.D., magna cum laude, 1974

Experience

- In 2016, as lead counsel for a health maintenance organization won an arbitration brought by a national hospital chain against our client. The claimant, represented by the Boston office of a large, national law firm, submitted its claim for millions of dollars in alleged underpayments for obstetrical services, which it sought to have trebled for alleged bad faith violations of the Massachusetts “Little FTC Act.” The arbitrator after several days of hearing with multiple witnesses, including experts, ruled that there was no breach of contract and that the claimant “shall take nothing” and, further, issued a declaratory ruling going forward that our client’s interpretation of the contract was correct and would be applied to future patient cases for the duration of the contract.
- In 2017, in U.S. District Court in Springfield won judgment on the pleadings against AIG on behalf of Bill Cosby on cross declaratory judgment claims ruling that AIG, which was represented by two large law firms, was obligated under the Cosbys’ homeowners and excess insurance policies to defend multiple defamation cases pending in the same court against Mr. Cosby. AIG was also ordered to reimburse Mr. Cosby \$675,000 for the cost of defending the declaratory judgment action.

- In 2014-15, led a multidisciplinary team of outside lawyers and accountants who converted a health maintenance organization from shareholder form to non-profit form under Massachusetts law and obtained on review by the IRS recognition of the HMO as an organization exempt from taxation under section 1024 of the Internal Revenue Code.
- In 2018, on behalf of a plaintiff class of consumers who alleged violations of Massachusetts cable TV and consumer protection laws and regulations, obtained approval by the U.S. District Court in Springfield of a settlement entitling class members to cash refunds or credits from their cable provider for interruptions of service during several storm outages.
- In 2018, obtained a personal injury settlement for a minor plaintiff of more than 40 times what the defendant had offered before suit was filed.
- At the conclusion of plaintiff's case at trial, won directed finding from U.S. District Court Judge Michael Ponsor on behalf of defendant the Springfield Redevelopment Authority in a case brought by a wealthy developer plaintiff who claimed that his ownership of and development rights to Springfield's Union Station had been taken in violation of his constitutional rights.
- On behalf of the developers of The Teenage Mutant Turtles, obtained dismissal of claims by a former co-worker that he had an ownership interest in the Turtles because he allegedly had generated the key ideas for their creation.
- Represented a leading women's college and recovered a \$2.5MM settlement in a lawsuit against the insulation contractor to pay the cost of abatement of asbestos the contractor had installed in a college building in violation of contract specifications.
- In U.S. District Court in Boston, on behalf of a hospital system won an early motion to dismiss a putative class action (one of 40 such cases filed nationwide by a coalition of plaintiffs' lawyers) regarding alleged overcharges by non-profit hospitals to uninsured patients and unfair debt collection practices against those patients. The American Hospital Association was named as a co-conspirator. These cases received extensive national political and media attention, and only a few of the defendant hospitals were able to obtain early victories.
- On behalf of a hospital, obtained direct interlocutory appellate review and reversal by Supreme Judicial Court of the trial court's discovery order that the hospital produce allegedly defamatory documents and information protected by the medical peer review privilege. This high-profile, precedent-setting case, *Vranos v. Franklin Medical Center*, 448 Mass. 425 (2007), attracted competing amicus briefs from the Massachusetts Hospital Association and The Massachusetts Medical Society. Subsequently obtained dismissal of the case by the Superior Court and affirmance of that dismissal by the Appeals Court in *Vranos v. Skinner*, 77 Mass. App. Ct. 280 (2010)
- Represented HMO in litigation brought by numerous Massachusetts health insurers challenging state-wide limits imposed on premium increases in Massachusetts and ultimately prevailed after multiple administrative hearings before Hearing Officers in the Massachusetts Department of Insurance.
- Represented PricewaterhouseCoopers and obtained summary judgment based on a statute of limitations defense to a professional malpractice claim brought by shopping mall developer; obtained affirmance of summary judgment on appeal. *Petricca v. PricewaterhouseCoopers, LLP*, 71 Mass. App. Ct. 1124 (2008) (Rule 1.28 Memorandum and Order).

- Appointed by the Supreme Judicial Court as Special Counsel to the Committee on Professional Responsibility for Clerks of the Courts, investigated and brought charges for removal of the Clerk Magistrate of the Northampton District Court, represented the Committee in disciplinary proceedings through hearing on the merits before the former Chief Justice of the Superior Court as Hearing Officer and successfully defended removal decision on two appeals to the Supreme Judicial Court. Matter of Dugan, 416 Mass. 461 (1993); 418 Mass. 185 (1994).
- Successfully litigated numerous majority/minority shareholder matters, including obtaining summary judgment for majority shareholder on minority shareholder's claims of breach of fiduciary duty, breach of contract and wrongful termination, and on counterclaim for breach of contract and obtaining summary affirmance of judgment on appeal.
- On behalf of William Mullins, a first-time candidate for State Representative who won election by a dozen votes over the incumbent, successfully defeated an election challenge under Massachusetts law before a Single Justice of the Supreme Judicial Court. The losing candidate's counsel was William Galvin, now Secretary of the Commonwealth of Massachusetts. Mr. Mullins went on to lead a successful legislative career, and the Mullins Center at the University of Massachusetts, where the UMass basketball and hockey teams play their home games, was named in his honor.
- On behalf of one of the nation's largest potato suppliers, won a substantial verdict at jury trial in the U.S. District Court in Springfield against Frito-Lay, Inc. for breach of Frito-Lay's agreement to supply him with proprietary seed potatoes and to purchase large quantities of grown potatoes from him. Settled the case post-trial for more than the verdict pending Frito-Lay's appeal and our motion for recovery of legal fees.
- For emergency room physician, won defense verdict at jury trial of medical malpractice wrongful death case for allegedly negligent treatment of patient who subsequent to discharge died of pulmonary emboli. Won numerous other medical malpractice cases at trial and on appeal.
- As lead counsel for BP Oil, won directed verdict at the conclusion of antitrust jury trial in federal court in Springfield brought by chain of gas station car washes against BP and competing chain of gas station car washes for conspiracy to monopolize the local gas station car wash market.
- Settled on favorable terms during jury trial in federal court in Springfield an antitrust claim against the Boy Scouts of America for conspiring with its local councils to boycott hiring of certain job candidates, including our client.
- Won a defense verdict in an antitrust jury trial in federal court in Springfield for a sporting goods buying association accused of an unlawful group boycott against plaintiff.
- Won numerous wrongful termination and discrimination jury trials in federal and state court for a Fortune 100 company brought by disgruntled executives.
- Recovered approximately \$1MM for a Fortune 100 company from Commercial Union Insurance in settlement of litigation filed in Massachusetts in which we alleged that Commercial Union had failed to meet its contractual obligation to defend our client in a prior case brought in Florida.

- Won two putative shareholder class actions for a Fortune 100 insurance company challenging its actions in taking private its publicly traded Real Estate Investment Trust, one in state court alleging violation of fiduciary duty, and one in federal court alleging securities violations.
- Acted as local counsel for a Fortune 100 company in a contract and trademark case in federal court in Springfield against a European company which resulted in \$26+ million payment to our client in exchange for releasing its claims and transferring to the European company the exclusive worldwide rights to use a famous name on various products in the United States and elsewhere.
- In many matters, served as counsel to for-profit and non-profit clients responding to subpoenas or civil investigative demands from grand juries or federal or state agencies, including the U.S. Department of Justice, the Federal Trade Commission, various state attorneys general and the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, among others.
- Represented companies and individuals in various antitrust grand jury investigations and, in appropriate cases, negotiated immunity and plea agreements.

Honors

- Listed for 25 years in The Best Lawyers in America® and recognized several times as the “Lawyer of the Year” in Springfield in various categories, including “Bet the Company Litigation” and Employment Litigation
- Included in Super Lawyers® list published by New England (formerly Massachusetts) Superlawyers magazine each year since 2004 and frequently named by the publication as one of the “Top 100” Massachusetts Super Lawyers
- Listed in Best’s Directory of Recommended Insurance Attorneys
- Listed in Who’s Who in the World for over 25 years
- Rated “AV Preeminent®,” the highest peer rating standard of professional excellence for legal knowledge, communication skills and ethical standards per Martindale-Hubbell
- Rated a 2018 “Top 5%” Litigator in The American Lawyer and Corporate Counsel Magazine
- Identified in newspaper surveys of lawyers and others as the “Best Lawyer” in Springfield and the “Outstanding Business Litigator” in Western Massachusetts
- Fellow of The International Academy of Trial Lawyers, an invitation-only organization limited to 500 members from the United States, for which he currently serves as a director, Chair of the Budget and Finance Committee, and State Co-Chair
- Life Member of the American Bar Foundation
- Life Member of the Massachusetts Bar Foundation

Affiliations

- Member, Boston Bar Association
- Member, Massachusetts Bar Association
- Member, Massachusetts Bar Foundation
- Member, Hampden County Bar Association
- Member, American Bar Association
- Member, American Bar Foundation
- Board of Directors, International Academy of Trial Lawyers