

Partner, Boston

Litigation



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Education

J.D., Harvard Law School, 1994
(*cum laude*)

A.B., University of Michigan, 1991
(with distinction, and with highest honors in Classical Languages and Literatures)

Bar Admissions

Massachusetts
New York

Associations

Member, Board of Directors,
Boston Public Market Association
(2008-Present)

Standing Committee, First Church in
Jamaica Plain (Unitarian Universalist)
(2008-2015)

Kurt Hemr's practice focuses on securities and insurance product litigation, intellectual property litigation, corporate governance disputes, antitrust matters, and other forms of complex civil litigation. Mr. Hemr has also represented individual and corporate clients in internal investigations and in proceedings before the U.S. Securities and Exchange Commission and other regulators.

Mr. Hemr's experience includes representing:

- ZeniMax Media Inc. in litigation, co-leading a team that won a \$500 million jury verdict on copyright infringement, breach of nondisclosure agreement and other claims relating to misappropriated virtual reality technology;
- the directors of EMC Corporation in post-merger litigation that resulted in a landmark Massachusetts Supreme Judicial Court decision establishing the standard for such litigation in Massachusetts;
- a global financial services firm in obtaining summary judgment on antitrust claims in an action in the U.S. District Court for the District of Massachusetts;
- Centene Corporation and certain of its subsidiaries in protests and other controversies regarding awards of government contracts;
- Equitable, MassMutual, Liberty Mutual, Pacific Life and other insurance companies in product litigation in state and federal courts throughout the United States, both in individual actions and in purported class actions;
- Aspen Technology, Inc. in litigation in Texas, co-leading a team that won an \$11 million jury verdict on trade secret misappropriation and other intellectual property claims, and successfully defending that verdict on appeal before the Fifth Circuit;
- a mutual fund complex in SEC and state regulatory proceedings involving allegations of improper "market timing" trading, and in related civil litigation;
- a major shareholder of a significant New England private company in disputes with the company's other shareholders; and
- numerous Massachusetts businesses in suits enforcing non-competition and non-solicitation agreements with key employees, including by obtaining preliminary injunctions enforcing those agreements.

From 2000 to 2017, Mr. Hemr headed the Boston office's *pro bono* program. In 2007, he represented the Massachusetts Museum of Contemporary Art in a widely publicized dispute with an artist who had stopped work on an artistic installation in the museum's largest gallery. He also has successfully represented refugees seeking asylum, prisoners seeking protection of their civil rights, and nonprofit groups trying to avoid regulatory pitfalls.

In addition to courts in Massachusetts, Mr. Hemr is admitted to practice in federal and state courts in New York and before the U.S. Supreme Court. He is a director of the Boston Public Market Association, a nonprofit civic organization that brought a permanent, year-round farmers' market to downtown Boston.

Representative decisions:

- *IBEW Local No. 129 Benefit Fund v. Tucci*, 476 Mass. 553 (2017) (representing EMC directors).
- *Zweiman v. AXA Equitable Life Ins. Co.*, 146 F. Supp. 3d 536 (S.D.N.Y. 2015); and *Shuster v. AXA Equitable Life Insurance Co.*, No. A-3160-15T1, 2018 WL 1801249 (N.J. Super. Ct. App. Div. Apr. 17, 2018).
- *Valley Container Co., Inc. v. Liberty Mut. Grp., Inc.*, No. 19-cv-12133 (DJC), 2020 WL 3270848 (D. Mass. June 17, 2020).
- *Array BioPharma, Inc. v. AstraZeneca AB*, 184 A.D.3d 463, 126 N.Y.S.3d 91 (1st Dep't 2020).
- *Rule v. Massachusetts Mutual Life Ins. Co.*, 89 Mass. App. Ct. 1121 (2016).
- *ZeniMax Media Inc. v. Oculus VR, LLC*, 166 F. Supp. 3d 697 (N.D. Tex. 2015).
- *Bacchi v. Massachusetts Mutual Life Ins. Co.*, 110 F. Supp. 3d 270 & 110 F. Supp. 3d 278 (D. Mass. 2015).
- *Aspen Technology, Inc. v. M3 Technology, Inc.*, 569 F. App'x 259 (5th Cir. 2014).
- *Dahl v. Bain Capital Partners, LLC*, 937 F. Supp. 2d 119 (D. Mass. 2013).
- *Patel v. Pacific Life Ins. Co.*, Civ. A. No. 3:08-cv-0249-B, 2009 WL 1456526 (N.D. Tex. May 22, 2009).
- *EMC Corp. v. Donatelli*, 25 Mass. L. Rptr. 399 (Super. Ct. May 5, 2009).
- *Demoulas v. Demoulas Super Markets, Inc.*, 66 Mass. App. Ct. 1118 (2006).
- *McAdams v. Massachusetts Mutual Life Ins. Co.*, 391 F.3d 287 (1st Cir. 2004).
- *Massachusetts Museum of Contemporary Art Foundation, Inc. v. Büchel*, 565 F. Supp. 2d 245, (D. Mass. 2008), *aff'd in part and vacated in part*, 593 F.3d 38 (1st Cir. 2010).