



Todd & Weld LLP

Josh L. Launer

Of Counsel

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A veteran trial lawyer, Josh Launer regularly advises C-suite executives on litigation and risk mitigation strategies consistent with business operations and goals.

Josh L. Launer is a skilled trial attorney with substantial experience conducting trials and arbitration proceedings and obtaining favorable results for clients. Mr. Launer has successfully tried jury and bench trials in federal and state courts. He advises clients on numerous litigation matters, including complex business disputes, health law, and professional liability issues.

Prior to joining Todd & Weld, Mr. Launer was general counsel for a hospice and home health company and assistant general counsel overseeing litigation for a multi-state hospital health system. He guided his corporate clients through a wide array of matters involving, among others, internal investigations, audits, regulatory compliance, false claim matters, contract disputes, and employment law.

In private practice, Mr. Launer has previously represented clients in litigation involving business disputes, unfair business practice claims, product liability, and professional liability. He served as a special assistant district attorney in Massachusetts where he prosecuted hundreds of felony and misdemeanor cases.

Practice Areas

- Business Litigation
- Health Law
- Professional Liability Litigation
- Appellate Litigation
- Civil Rights Litigation

Representative Results

Mr. Launer's representative results include:

Business Litigation

- Successfully defended hospital client after one-week jury trial against breach of contract claim for improper termination of facility's surgeon; jury rendered a defense verdict at the same time the parties reached a settlement
- Obtained defense verdict after four-week jury trial in Massachusetts Superior Court on behalf of a cigarette manufacturer in a design defect wrongful death action where plaintiff sought over \$100 million in damages
- After a one-week jury trial in federal court in Massachusetts obtained a verdict for travel company alleging trademark infringement by one of its competitors that rebranded under a confusingly similar name
- Successfully defended a medical device company in a week-long arbitration against claims of violation of MGL c. 93A, breach of an international distribution agreement, and violation of the Lanham Act
- Obtained an \$8 million award, as well as 100 percent of attorneys' fees, following a three-week arbitration on behalf of a health care company in a post-close dispute with sellers who had engaged in massive accounting and ERISA fraud and pervasive violations of Medicare/Medicaid regulations necessitating a self-report to the Office of Inspector General of the Centers for Medicare & Medicaid Services
- Secured a highly favorable settlement on behalf of a health care company in a post-close dispute with the sellers of an acquired facility

Civil Rights Litigation

- Represented 21 current and former inmates of the Massachusetts Department Correction against the Commonwealth, executive officers of the Department of Correction, and dozens of individual officers who were members of the Special Operations Response Unit, alleging violations of 42 U.S.C. § 1983, the Eighth and Fourteenth Amendments and the Massachusetts Civil Rights Act. Successfully defeated defendants' motion for summary judgment after four-day hearing leading to favorable settlement and change in department policy.

Health Law

- Successfully defended hospital against allegations by Health and Human Services of violations of the False Claims Act for knowingly submitting false claims to Medicare by admitting patients who required less costly, outpatient care and billing for more expensive patient diagnoses
- Successfully guided health care company through Office of Inspector General self-report process and negotiated favorable settlement with Centers for Medicare & Medicaid Services
- Guided durable medical equipment provider through pre- and post-payment audits by insurance payor and revamped documentation and compliance policies and procedures

Government and Internal Investigations

- Served on Independent Counsel team for a local community college conducting an internal investigation into allegations of teacher misconduct, including sexual assaults and failure to report such incidents in violation of the federal Clery Act, as well as attempting to cover up the incidents, which investigation led to disciplinary actions against employees and administrators and significant reforms by the Board of Trustees into the college's policies and procedures
- Conducted a months-long internal investigation into the hiring and promotion practices within the Massachusetts Probation Department on behalf of the Massachusetts Supreme Judicial Court leading to the termination or resignation of senior leadership within the department and sweeping changes in hiring and employment practices
- Defended individual client against allegations of off-label marketing

Professional Liability

- Successfully represented former attorney in hearing before the Massachusetts Board of Bar Overseers in gaining readmittance to the bar after disbarment and absence from the practice of law for nearly 20 years.
- Convinced bar counsel to dismiss complaints of misconduct against attorney by multiple former clients

Experience

- Todd & Weld LLP (2023-present)
- Morrison Mahoney LLP (2022-2023)
- Law Office of Josh Launer LLP (2016-2022)
- Prime Healthcare Services, Inc. (2017-2018)
- Abode Healthcare, Inc. (2015-2016)
- Goodwin Procter LLP (2008-2015)
- Middlesex County (Mass.) District Attorney's Office (2011-2012)

Bar Admissions

- Massachusetts
- U.S. District Court, Massachusetts

Education

- Suffolk University Law School (J.D., *magna cum laude*, 2008) Macaronis Civil Litigation Concentration with Distinction; Board of Editors and Lead Articles Editor, *Suffolk University Law Review*; Finalist, Walter H. McLaughlin Appellate Advocacy Competition
- China University of Political Science and Law, Beijing (2006)
- University of Michigan (B.A. in History, 2002)

Professional Activities

- Massachusetts Bar Association
- American Bar Association

In the Community

- Member, Board of Directors, Mission MSA (Multiple System Atrophy)
- Member, University of Michigan Club of Greater Boston

News & Insights

- Newsmax settles defamation suit filed by Smartmatic
- Veteran trial lawyer Josh Launer joins Todd & Weld