

John L. Gavin

Associate

Boston
+1.617.951.9204

John.Gavin@klgates.com

OVERVIEW

John Gavin is an associate in the Commercial Disputes practice group. John focuses his practice in the areas of complex commercial disputes, trade secret misappropriation, securities fraud, tax fraud, breach of fiduciary duty, and unfair business practices, commercial real estate litigation, policyholder-side insurance coverage disputes, construction disputes, government enforcement actions, class action matters, and consumer finance litigation.

John has experience with all phases of litigation in state and federal courts, including courts in Massachusetts, North Carolina, New York, Texas, and Illinois. In addition, John has represented clients in mediations and international arbitrations.

John draws on his extensive and varied litigation experience to collaborate with clients to understand their business and objectives, to anticipate and mitigate legal risks, and to develop and implement strategies in line with the clients' goals and needs.

John also maintains an active pro bono practice including representing clients in pursuing asylum claims during removal proceedings.

PROFESSIONAL BACKGROUND

John previously worked as a summer associate for the firm. During law school, John was a legal writing and research teaching assistant at Boston College Law School and worked as a judicial intern for the Honorable Indira Talwani of the United States District Court for the District of Massachusetts and the Honorable David A. Lowy of the Massachusetts Supreme Judicial Court. John also served as a member of the Executive Board of the Boston College Law Review, managing the drafting and publication of student-written Case Comments as Executive Comments Editor.

ACHIEVEMENTS

- Recipient of PAIR Project's 2020 Pro Bono Detention Award

EDUCATION

- J.D., Boston College Law School, 2019 *(magna cum laude; Order of the Coif; Executive Comments Editor, Boston College Law Review)*
- B.A., Elon University, 2016 *(cum laude)*

ADMISSIONS

- Bar of Massachusetts
- United States Court of Appeals for the First Circuit
- United States District Court for the Central District of Illinois
- United States District Court for the District of Massachusetts

THOUGHT LEADERSHIP *POWERED BY HUB*

- 15 June 2022, U.S. Supreme Court Narrows Scope of 28 U.S.C. § 1782 to Proceedings Before "Governmental or Intergovernmental Adjudicative Bodies"
- 25 May 2022 , U.S. Supreme Court Eliminates Prejudice Requirement for Waiver of Arbitration Agreements
- 23 May 2022, Arbitration World: U.S. Supreme Court to Address Prejudice Requirements For Waiver of Arbitration Agreements
- 29 April 2022, Arbitration World: U.S. Cases and International Arbitration — U.S. Supreme Court Set to Decide Section 1782 Circuit Split
- 24 March 2022, U.S. Supreme Court Hears Oral Argument on Circuit Split Over Scope of 28 U.S.C. § 1782 for Obtaining Discovery in International Arbitrations
- 11 March 2022, U.S. Supreme Court to Review Circuit Split Over Scope of 28 U.S.C. § 1782 for Obtaining Discovery in International Arbitrations
- 28 February 2022, U.S. Supreme Court to Address Prejudice Requirement for Waiver of Arbitration Agreements
- 19 March 2020, COVID-19: Coronavirus Concerns Prompt Two-Week Halt to All Construction in Boston
- 24 January 2020, Highest Massachusetts Court Upholds Consent-To-Settle Clauses, but Issues Warning to Insurers

OTHER PUBLICATIONS

- *John Gavin*, Note, Finally Freed or Infinitely Detained? The Need for a Clear Standard of Finality for Reinstated Orders of Removal, 59 B.C. L. Rev. 2437 (2018)

- *John Gavin*, Comment, Praying for Clarity: *Lund, Bormuth*, and the Split Over Legislator-Led Prayer, 59 B.C. L. Rev. E. Supp. 104 (2018)

NEWS & EVENTS

- 29 January 2024, K&L Gates Leads Novozymes to Trade Secrets Trial Victory

AREAS OF FOCUS

- Commercial Disputes

REPRESENTATIVE EXPERIENCE

- *Marquis ProCap System, LLC v. Novozymes North America, Inc.* (C.D. Ill.). Represented Novozymes in a breach of contract and DTSA trade secret action to judgment fully in Novozymes' favor, denying all Marquis' claims and ruling that Novozymes did not disclose or threaten to disclose any of the alleged trade secrets.
- *Chembio Diagnostic Systems Inc. v. BioSure (UK) LTD.* Represented Chembio in an international arbitration proceeding. After a five-day evidentiary hearing, the arbitration tribunal found BioSure breached the parties' contract and its implied covenant of good faith and fair dealing and misappropriated Chembio's trade secrets under both federal and New York law; awarded Chembio its damages, costs, and attorneys' fees; and ordered BioSure to stop making, using, offering for sale, or selling Chembio's intellectual property.
- Represented a global consulting and actuarial firm in a patent infringement, breach of contract, and DTSA trade secret action involving AI software solutions. The case settled in 2024 on the eve of trial, with defendants acknowledging infringement and validity of the client's patents and possession and validity of the client's trade secrets, and agreeing to license the infringed technology.
- *In re Customs and Tax Administration of the Kingdom of Denmark (Skatteforvaltningen) Tax Refund Scheme Litigation* (S.D.N.Y.). Representation of US pension plans, the plans' investment advisor, and related individuals in lawsuits filed by the Kingdom of Denmark's taxing authority related to dividend arbitrage trading.
- Representation of a global consulting and engineering services company in connection with a multiparty contract dispute involving construction of a first-of-its-kind anhydrous hydrogen fluoride plant in the United States.
- Representation of a global consulting and engineering services company in connection with an environmental enforcement action and related class action.
- Representation of a global consulting and engineering services company in a lawsuit filed by a state attorney general's office related to alleged negligence and breach of contract in infrastructure inspections.
- Represented a commercial real estate owner-investor and developer against contractors to recover damages arising from a demolition accident.

- Represented a creditor in a breach of contract and unfair business practices claim, resulting in a settlement in the client's favor following successful opposition of a motion to dismiss.
- Represented a software developer in an international arbitration of a licensing dispute for nonpayment of invoices based on alleged issues with software performance, resulting in entry of an award fully in the developer's favor following an evidentiary hearing.
- Represented debtors in a Chapter 11 bankruptcy case to ensure debtors' compliance with the district court's post-trial permanent injunction and the bankruptcy court's related order requiring identification and removal of competitor's trade secrets from debtors' computer systems and manufacturing and test equipment.

Pro Bono

- Represented a detained Burkinabe man seeking asylum based on religious persecution. Following trial before the immigration court, the court granted asylum.
- Represented children seeking derivative asylum based on earlier grant of father's asylum claim. Successfully obtained asylum for both children to join their father in the United States.