

Joseph P. Musacchio

Of Counsel

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Joseph P. Musacchio joined Kreindler with Anthony Tarricone upon the opening of our Boston office in 2006, bringing with him 24 years of experience as a litigator in the Massachusetts trial and appellate courts. Since joining Kreindler, Joe has committed himself to representing individuals and families in a variety of cases, including aviation disasters, bad faith insurance claims, products liability, medical malpractice, construction accidents, premises liability, tour operator liability for injuries and death occurring in foreign countries, employment law, ERISA claims, unfair claims handling practices, and civil rights actions against police officers and municipalities for excessive use of force resulting in injury or death.

> Our experience, dedication and vast resources enable us to battle passionately and resolve cases on behalf of our clients.
>
> ~ **Joseph Musacchio** | Of Counsel and Attorney

When Mr. Musacchio joined Kreindler he brought with him a diverse professional background. Upon graduation from law school, he served as a Law Clerk to the Justice of the Massachusetts Superior Court. He then served the Commonwealth of Massachusetts as an Assistant District Attorney in the Middlesex County District Attorney's Office where he was a supervising attorney in the office's appellate department representing the Commonwealth on numerous criminal appeals before the Massachusetts Appellate Court and Supreme Judicial Court. Mr. Musacchio also prosecuted both jury and jury-waived criminal trials and has taught and lectured extensively on Fourth Amendment search and seizure law.

> Joe has prosecuted both jury and jury-waived criminal trials and has taught and lectured extensively on search and seizure law.

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Upon leaving the District Attorney's office in 1987, Mr. Musacchio joined Melick & Porter, a Boston insurance defense firm, as an associate and partner. There, as one of the firm's senior appellate attorneys, he developed his in-depth understanding of tort and insurance coverage law and honed his appellate skills as a writer of hundreds of substantive motions and numerous appellate briefs. He also litigated complex commercial disputes concerning claims against computer software manufacturers alleging product defects.

In 2001, Joe began to exclusively represent plaintiffs when he joined the law firm Sarrouf, Tarricone & Flemming, where he worked closely with future Kreindler partner Anthony Tarricone. There, Mr. Musacchio handled a broad range of catastrophic personal injury cases and commercial/business litigation. He worked closely with Mr. Tarricone on numerous aviation disaster cases and independently litigated cases involving other transportation accidents, medical malpractice, premises liability, employment law, products liability, dram shop liability, bad faith insurance claims and construction accidents. He also acted as the firm's principal appellate counsel asserting plaintiff's rights before the appellate courts and drafting briefs, and arguing complex motions in the trial courts. By this time, Mr. Musacchio became recognized in the legal community as an experienced and highly qualified appellate attorney. Over his career, he has briefed and argued approximately 40 appeals to the Massachusetts State and Federal appellate courts and other appellate jurisdictions, including the New York appellate courts.

Since joining Kreindler, Mr. Musacchio has continued to successfully litigate numerous aviation disaster cases resulting in substantial settlements. He also drafted numerous oppositions to dispositive motions filed by aircraft and component parts manufacturers seeking dismissal on the grounds of preemption, lack of personal jurisdiction, and *forum non conveniens* as well as seeking to limit damages by application of foreign law. Mr. Musacchio also continues to litigate a variety of personal injury and death claims, bad faith insurance claims, employment claims, ERISA claims, and civil rights violations.

In one of Mr. Musacchio's most notable Kreindler cases, *Gore v. Arbella Ins. Co.,* he obtained a verdict in excess of $2 million against an insurance company that delayed offering the policy limits of $20,000 to a claimant where liability was reasonably clear. He also handled the appeal of that case where the Massachusetts Court of Appeals affirmed the trial court's underlying finding of liability and reversed that portion denying multiple damages. The appellate decision in *Gore* is one of the leading cases in Massachusetts that defines and expands the liability of an insurance carrier for engaging in unfair insurance practices, protecting the rights of both an insured and the claimant and providing the framework to obtain multiple damages against an insurer that acts in bad faith by failing to effectuate prompt and reasonable settlement when liability is clear.

In *Stamps v. Town of Framingham,* Mr. Musacchio successfully litigated and obtained a settlement of $3.75 million against a police officer who shot and killed a compliant elderly black man who was an innocent bystander to a search warrant executed in his home and directed at his stepson. The First Circuit Court of Appeals decision in *Stamps* was precedent-setting, establishing in that Circuit that even an accidental shooting warrants imposing liability on an officer who acts unreasonably and in violation of his training and police procedures.

Mr. Musacchio holds the highest rating established by Martindale-Hubbell®, which is given to lawyers and law firms considered by the legal community to have achieved the "Highest Level of Professional Excellence." He is a Phi Beta Kappa graduate of the University of Massachusetts at Amherst and graduated with honors from Western New College School of Law, where he served as Lead Articles Editor for the law review. He also has served as an Associate Editor of the Massachusetts Law Review, where he published an article on indemnification law entitled "Statutory Limitations on

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Indemnity Agreements in Construction Contracts: The Meaning and Effect of M.G.L. c. 149, §29C." This article has been cited numerous times by Massachusetts appellate court, trial judges and litigants when interpreting indemnification clauses in construction contracts. He authored the chapter on the law of contribution and indemnification contained in the MCLE's Massachusetts Tort Manual.

Practice Focus

- Aviation Accidents
- Pharmaceutical & Medical Injury
- Product Liabilities
- Wrongful Death

Education

- Western New England College School of Law, Springfield, MA, J.D., - 1982, Honors: Lead Articles Editor, Western New England Law Review from an article on the right to a jury trial in complete litigation
- University of Massachusetts, B.A. - 1979, Honors: Phi Beta Kappa

Bar Admissions

- Massachusetts
- United States Court of Appeals First Circuit
- United States District Court, District of Massachusetts

Exemplar Cases Include:

- Stamps v. Town of Framingham, MA Civil Rights Case
- Fatal Snorkeling Accident, Cancun, Mexico
- Insurance Policy Limit Suit, MA

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