



Daniel W. Halston

PARTNER

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Daniel Halston focuses on securities litigation, general commercial litigation and administrative law disputes. He has represented numerous public and private high technology, life sciences, and financial services companies and their officers and directors in a wide range of complex litigation matters, including securities fraud class actions, derivative litigation, mergers and acquisitions disputes, false claims act actions, breach of fiduciary duty claims, investment advisor claims, closely-held corporation disputes, proxy contests, and a wide variety of public law matters. He also regularly represents clients in internal investigations and before the SEC, FINRA and state regulatory agencies.

Mr. Halston has represented numerous public and private companies and their officers and directors in complex securities, commercial, and corporate governance matters, including Acacia Communications, Inc., Airvana Corporation, Analogic Corporation, BJ's Wholesale Club, Inc., Berkshire Hills Bancorp, Inc., Biogen Idec, DataXu, Inc., Eclipsys Corporation, EverQuote, Inc., Governor of Massachusetts, MKS Instruments, Inc., Medtronic, Inc., Regal Entertainment Group, Separacor, Inc., Sonus Networks, Inc., Staples, Inc., and State Street Corporation.

From 1991 to 1994, Mr. Halston served as an assistant attorney general in both the Administrative Law and Trial Divisions of the Government Bureau of the Massachusetts Attorney General's Office. He represented the Commonwealth before all courts of the Commonwealth in various disputes with regulated industries and professionals.

Community Involvement

- Warrant Committee, Public Safety Subcommittee Chair, and Town Meeting Member, Town of Belmont
- Former Officer, Vassar Club of Boston

Professional Activities

- Director and former Vice Chairman, Family Aid Boston
- Member, Supreme Judicial Court Historical Society
- Member, American Bar Association and Boston Bar Association
- Former Lecturer, Boston University School of Law
- Former Director, Massachusetts Appleseed Center for Law & Justice

Solutions

Commercial Litigation	Cross-Border Investigations and Compliance	Investigations
Life Sciences	Litigation	Securities Enforcement
Securities Litigation	State Attorneys General	Trials

Experience

- Obtained dismissal of securities fraud class action under Section 10(b) of the Exchange Act against former officers and directors of DataXu, Inc., and venture capital firms invested in DataXu, Inc. following the company's sale to Roku, Inc. in the District of Massachusetts in 2022
- Represented Senior Executives at appraisal trial for Regal Entertainment Group in Delaware Chancery Court in 2020-21
- Obtained dismissal of merger-related claims against the directors of First Marblehead Corporation, in the Delaware Chancery Court in 2019, and as affirmed in the Delaware Supreme Court in 2020
- Obtained stay of discovery under the PSLRA on behalf of EverQuote, Inc. in securities fraud class action under Section 11 of the Securities Act in the Commercial Division of the New York Supreme Court in 2019
- Obtained dismissal of securities fraud class action under Section 14 of the Exchange Act against officers and directors of Analogic Corporation in the District of Massachusetts in 2019
- Obtained dismissal of securities fraud class action under Section 10 of the Exchange Act and Section 11 of the Securities Act against officers and directors of Acacia Communications, Inc. in District of Massachusetts in 2018
- Obtained dismissal of merger-related claims against MKS Instruments, Inc. in Nevada State Court in 2017
- Obtained dismissal of merger-related claims against Staples, Inc. based on exclusive forum by-law in Florida State Court in 2015
- Obtained dismissal of derivative litigation against State Street Bank and Trust and its directors arising out of foreign exchange pricing allegations in District of Massachusetts in 2014

- Obtained dismissal of merger-related claims against the directors of BJ's Wholesale Club, Inc. in Delaware Chancery Court in 2013
- Successfully defended Berkshire Hills Bancorp, Inc. in Connecticut Trial Court in 2012 in a challenge to a merger, defeated an injunction after trial, and obtained dismissal of the case
- Successfully defended Airvana Corporation in Delaware Chancery Court in 2010 in defeating expedited discovery sought against an acquisition, and obtaining a dismissal of the case
- Represented Biogen Idec before the Massachusetts Supreme Judicial Court in 2009 in successful challenge to State Treasurer's enforcement of the abandoned property statute (*Biogen IDEC MA, Inc. v. Treasurer*, 454 Mass. 174 (2009))
- Successfully defended a major pharmaceutical company in Massachusetts Superior Court in 2008 in defeating an injunction against a substantial merger transaction, and obtaining a dismissal of the case
- Represented Sonus Networks, Inc. before the United States Court of Appeals for the First Circuit in 2007 and obtained dismissal of derivative litigation arising out of Company's Restatement (*In re Sonus Networks, Inc. Shareholder Derivative Litigation*, 499 F.3d 47 (1st Cir. 2007))
- Represented a majority of the Board of Directors of the Massachusetts Turnpike Authority in corporate governance dispute with its now former Chairman in Massachusetts Supreme Judicial Court in 2006, and appointed as a Special Assistant Attorney General representing the Governor of Massachusetts in a successful effort to remove the Chairman from office
- Obtained dismissal of securities fraud class action under Section 10 of the Exchange Act against Eclipsys Corp. in Southern District of Florida in 2004
- Obtained dismissal of securities fraud class action under Section 10 of the Exchange Act against officers and directors of Triton Network Systems in Middle District of Florida in 2003
- Successfully defended SinglePoint Financial Corp. against claim for advancement of attorneys' fees before Delaware Chancery Court and Delaware Supreme Court (*Gentile v. SinglePoint Financial, Inc.*, 788 A.2d 111 (Del. 2001))
- Represented many high technology, life sciences, and financial services companies in challenges to enjoin M&A transactions in Delaware Chancery Court and numerous state and federal courts
- Represented several high technology clients in parallel securities fraud class actions, derivative litigation, FINRA and SEC enforcement proceedings, and internal investigations involving various conduct, including accounting fraud and stock-option backdating allegations

Recognition

- Named to *Boston Magazine's* Top Lawyers list in 2021–2023 in the area of class action.

- Selected by his peers for inclusion in 2013–2024 editions of the *Best Lawyers in America* in the area of commercial litigation.
- Consistently recognized as a *Massachusetts Super Lawyer*.
- Recognized as a Massachusetts leader in general commercial litigation in the 2005–2012 editions of *Chambers USA: America's Leading Lawyers for Business*.
- In 2012 survey by *Best Lawyers*, clients cite Mr. Halston as “an outstanding attorney who is well versed in handling and leading teams in complex investigation,” “trusted by his clients and adversaries alike,” and “much more than just litigation counsel. His experience, expertise and creativity allow him to serve as a trusted strategic advisor in arriving at a business resolution of disputes.”

Credentials

EDUCATION

JD, Boston University School of Law, 1986

cum laude

Executive Editor, Boston University Law Review

AB, Vassar College, 1982

with honors

ADMISSIONS

Massachusetts

CLERKSHIPS

US District Court for the District of Massachusetts, 1986 - 1987

GOVERNMENT EXPERIENCE

State and Local Government

Assistant Attorney General, Massachusetts Attorney General