



JOHN D. STUEBING

Of Counsel

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John's practice focuses on business and trust litigation and municipal law. He has over twenty-five years experience advising individuals, businesses and municipalities in a wide range of matters. He has represented clients in the Massachusetts Supreme Judicial Court, the Massachusetts Appeals Court, the United States Court of Appeals, the United States Bankruptcy Court and state and federal trial courts. John was recognized as a Super Lawyer by *Boston Magazine* in 2004 and 2005 for his work in municipal law.

Municipal Experience

John has advised municipal officials on a wide range of issues including: land use planning and zoning; capital improvement projects; municipal finance and assessing; town governance and restructuring; and Town Meeting. He has served as special counsel to cities and towns throughout the Commonwealth including the Town of Braintree; the City of Fall River; the City of Fitchburg; the Town of Framingham; the City of Quincy; the Town of Seekonk; and the Town of Stoneham. John is a former Town Counsel to the Town of East Bridgewater and a former Special Assistant Corporation Counsel for the City of Boston.

Representative municipal matters

- Advised municipality on Annual Town Meeting and Special Town Meeting Matters
- Advised Wastewater Study Committee on feasibility of municipal sewer system
- Advised Town Study Committee regarding formation of Department of Public Works and drafted special legislation authorizing creation of Department of Public Works
- Advised Town on proposed re-opening of privately owned landfill
- Advised Town on affordable housing and preparation of Affordable Housing Manual

Representative municipal litigation matters

- Successfully defended municipality against landfill operator's claim seeking millions of dollars in damages based on allegation of illegal taxation
- Successfully defended Conservation Commission in federal court litigation brought by developer; case dismissed on grounds of federal abstention
- Successfully defended Planning Board in land use litigation arising from approval of Special Permit granting developer right to construct and enlarge race track
- Successfully defended Zoning Board of Appeals decision to deny variances to developer
- Successfully recovered hundreds of thousands of dollars in past due taxes from debtor in bankruptcy

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- Successfully recovered past due taxes from mortgagee of defaulting nursing home operator
- Successfully recovered past due taxes from title insurer after escrow agent wrongfully released funds to seller rather than paying the funds to the municipality
- Successfully handled broad range of assessing cases including office towers, industrial property, hotels, and special use property

Business and Trust Litigation Experience

Business Matters:

- Represented software company in claims by customer regarding product performance and warranty
- Represented real estate developer in dispute involving purchase and sale agreement for oceanfront property
- Represented developer in claims against lender and partners arising from foreclosure of mortgage and subsequent sale of property by lender to one of developer's partners
- Represented Hall of Fame athlete in claim against insurance company regarding sale of insurance product to fund trust
- Served as local counsel for out of state firms in wide range of business matters

Trust Matters:

- Represented trustees in action to reform trust to fulfill donor's intent to utilize federal estate tax marital deduction; Supreme Judicial Court authorized reformation of trust as requested
- Represented trustees seeking to reform trust by dividing trust into two separate trusts, a generation-skipping transfer ("GST") tax exempt trust and a GST tax nonexempt trust, in order to minimize Federal GST taxes and administration expenses; Supreme Judicial Court authorized reformation of trust as requested
- Represented trustee in action to reform trust so that contributions qualified as annual exclusion gifts and so that distributions could be made to beneficiary during lifetime of the donor; reformation allowed by the Probate Court

Memberships

Massachusetts Bar Association
 City Solicitor and Town Counsel Association

Bar and Court Admissions

Massachusetts Bar
 United States District Court for the District of Massachusetts
 United States District Court for the Southern District of Alabama
 United States Circuit Court of Appeals for the First, Fifth and Eleventh Circuits
 United States Court of Federal Claims

Achievements

- Named a Massachusetts Super Lawyer by *Boston Magazine* in 2004, 2005, 2006 and 2007
- Appointed to the Public Law Section Council and the Probate Law Section Council by the Massachusetts Bar Association.

Education

B.A., State University of New York, 1976
 J.D., Boston University School of Law, 1979