



# Creighton K. Page

## Partner

*Boston*

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Creighton Page is a partner in the firm's Litigation Department and Co-Chair of the Insurance Recovery Practice Group. His practice principally focuses on representing policyholders in lawsuits and ADR proceedings seeking recovery under various insurance lines, including general liability, directors and officers liability, professional liability and fiduciary liability. Creighton has won summary judgment decisions in several major insurance coverage suits and negotiated seven- and eight-figure insurance recoveries on behalf of a number of clients in various industries.

Creighton also handles a variety of other complex business and financial litigation with an emphasis on defense of professional liability claims against Big Four and other national accounting firms. He has defended accounting firms and their professionals in a variety of disputes, including accounting malpractice cases and regulatory investigations conducted by the SEC. Creighton also represents business clients involved in investment-related disputes, government investigations, bankruptcy litigation, product liability actions and other complex torts and contract disputes.

Through his complex litigation practice, Creighton has gained extensive experience in issues related to the preservation and production of electronically stored information ("ESI"), and he currently serves on the firm's E-Discovery Committee. Creighton also is a member of the firm's Hiring Committee and Working Group on Associate Development and Retention.

### BAR ADMISSIONS

- Massachusetts
- New York

### COURT ADMISSIONS

- U.S. District Court for the District of Massachusetts
- U.S. Court of Appeals for the First Circuit

### REPRESENTATIVE EXPERIENCE

- Won summary judgment for a major medical device manufacturer in dispute over more than \$100 million in insurance coverage for costs incurred to defend and settle hundreds of underlying product liability claims.
- Won partial summary judgment establishing existence and breach of professional

### INDUSTRIES

Professional Services

Investment Advisers & Private Funds

Life Sciences

### PRACTICES

Insurance Recovery

Accountants & Professional Liability  
Defense

Litigation

Business & Commercial Litigation

White Collar Crime & Government  
Investigations

Product Liability & Complex Tort

### EDUCATION

Columbia University School of Law, J.D.,  
2008

Princeton University, B.A., 2005

liability insurer's duty to defend a State Department designated Sponsor of "au pairs" in a nation-wide class action. *Cultural Care, Inc. v. AXA Ins. Co.*, 2018 U.S. Dist. LEXIS 100679 (D. Colo. June 15, 2018).

- Represented multi-national energy infrastructure company in suit against various of its CGL insurers to recover costs incurred to defend and settle federal and state environmental liability claims.
- Represented multi-national energy infrastructure company in suit against its D&O insurer to recover costs incurred to defend and settle various litigations arising out of a merger transaction.
- Represented national management company for affiliated dental providers in suit against its D&O insurer to recover costs of defending a class action and related state Attorney General investigations.
- Won summary judgment for Big Four accounting firm in action brought by limited partners of so-called Madoff "feeder fund."
- Obtained dismissal, based on lack of personal jurisdiction, of claims against national accounting firm arising out of alleged Ponzi scheme orchestrated through investment funds; affirmed on appeal, *see Fletcher Fixed Income Alpha Fund, Ltd. v. Grant Thornton LLP*, 89 Mass. App. Ct. 718, 54 N.E.3d 570 (2016).
- Defended Big Four accounting firm in suit brought by multi-generational family office arising out of COO's defalcation and alleged conversion of investment opportunities.
- Won partial motion to dismiss for New York-based investment fund and related entities in post-acquisition indemnification dispute. *Cuming v. York Capital Management, et al.*, 2013 U.S. Dist. LEXIS 114132 (D. Mass. Aug. 13, 2013).
- Won summary judgment, based on lack of vicarious liability, for owner of professional sports facility in suit based on former employee's alleged discrimination in a place of public accommodation.
- Representation of various health care providers in federal and state false claims investigations and litigation.
- Obtained dismissal of breach of fiduciary duty and fraudulent transfer claims asserted by trustee in Chapter 11 bankruptcy proceeding against former officer, director and majority shareholder of Debtor and purchaser of Debtor's assets.

## HONORS & INVOLVEMENT

### Involvement

- Boston Bar Association, Member

## PUBLICATIONS

- "Maximize Chances of Insurance Coverage for COVID-19," *Law360* (May 2020)
- Co-author, [Chapter 9: Obligations of Insurer and Policyholder, MASSACHUSETTS LIABILITY INSURANCE MANUAL](#) (1st Ed. 2000; 2nd Ed. 2011; 3rd Ed. 2017) (published by the Massachusetts Continuing Legal Education, Inc.)
- "Donovan v. Philip Morris: Massachusetts Supreme Judicial Court Recognizes Medical Monitoring Claim Despite Lack of Clinically Manifest Injury," *Boston Bar Journal* (Spring 2010)
- "Waiver Provisions in DIP Financing Orders," MCLE Bankruptcy Law Conference

2009 (with Andrew Schwartz)

- "Critical Vendor Orders," MCLE Bankruptcy Law Conference 2009 (with Andrew Schwartz)
- "Credit Bidding - Emerging Issues," ABI Northeast Bankruptcy Conference 2009 (with Andrew Schwartz)
- Associate Editor of the Foley Hoag quarterly *Product Liability Update*

### Foley Hoag Alerts and Updates

- Product Liability Update (July 29, 2015)
- Product Liability Update (April 7, 2015)
- Product Liability Update (January 15, 2015)
- Product Liability Update (October 14, 2014)

### **SPEAKING ENGAGEMENTS**

- Speaker, "COVID-19 Insurance Issues in the Higher Education Community," Foley Hoag Webinar, July 21, 2020