

## Peter J. Zarella



### Partner

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### Curriculum Vitae

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**PETER J. ZARELLA** practices in complex commercial litigation matters involving breaches of contract, business torts, fiduciary duty claims, “business divorce” disputes, CUTPA violations, professional liability, creditor rights, UCC Articles 2, 3, and 9, and commercial real estate and foreclosures. His practice frequently intersects with various bankruptcy, regulatory compliance, and tax issues. Peter has represented a broad range of clients including a variety of closely-held businesses and professional corporations, hedge fund partners, manufacturing companies, REITs, energy companies, estate fiduciaries, and private individuals. In his appellate practice, he also represents high-net-worth individuals in divorce appeals involving complicated financial issues.

Peter has state and federal trial experience and has successfully argued at the Connecticut Supreme and Appellate Courts. He is a member of the Connecticut Bar Association’s Litigation and Appellate Sections, and previously served on the Young Lawyers Section Executive Committee and the Pro Bono and Membership Committees. Prior to joining McElroy Deutsch, Peter clerked for the Connecticut Superior Court. He graduated *cum laude* from Western New England University School of Law, where he served as an editor of the school’s law review and was a member of its National Moot Court Team.

### Awards

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- Listed in Best Lawyers® (2023, 2024) a Woodward/White, Inc. business and partners with U.S. News & World Report, in the area of Commercial Litigation. A description of the standard or methodology on which the accolade is based can be found [HERE](#) (No aspect of the advertisement has been approved by the Supreme Court).
- Named to the *Connecticut Law Tribune's* 2018 New Leaders in the Law. A description of the standard or methodology on which the accolade is based can be found [HERE](#). (No aspect of the advertisement has been

approved by the Supreme Court).

## Representative Matters

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- Represented Sage Steele in claims against ESPN and The Walt Disney Company under Conn. Gen. Stat. § 31-51q, which prohibits workplace discipline for the exercise of constitutional rights that do not interfere with the workplace or employment relationship.
- *Blondeau v. Baltierra*, 337 Conn. 127 (2020): Successful appeal to the Connecticut Supreme Court overturning a trial court's vacating of an award from a marriage dissolution arbitration.
- Obtained a \$1.28 million default award in an arbitration against a subcontractor and successfully enforced it against the surety in local courts in Puerto Rico.
- In defense of a commercial foreclosure, obtained discharge of the mortgage under Conn. Gen. Stat. § 49-13(a) without having to deny the making of the underlying note or establishing whether it had been paid.
- Enforced buyout provision in a shareholder's agreement in an arbitration and obtained award several multiples larger than previous offers by buyers.
- On motion for summary disposition in a JAMS arbitration, defeated a claim for over \$2 million allegedly due under a joint prosecution agreement. Through careful parsing of the language of the agreement, the arbitrator determined that the agreement was valid but had not become operative given the history of the underlying litigation.
- For the first time under Connecticut law, established that a fiduciary duty of loyalty owed by an LLC managing an LLC extends to its individual members of the manager LLC. This point of law allowed for successful settlement in a dispute where minority owners in power generation project claimed that the majority owners had attempted to circumvent the minority's "tagalong" rights for the sale of the project.
- Represented an insurance company in pursuing a complicated claim in probate court to recover amounts that had been paid to the estate in error and should have been paid to two charities. Resolution required defeating the objections of estate beneficiaries and developing a strategy for recovering amounts that had erroneously been paid by the estate's financial advisor to tax authorities.
- In a UCC Article 2 case, defeated motion for summary judgment on the ground that changing supply and economic conditions had made fulfillment of a sales order impossible.
- Represented the majority owner of units in a "dockominium" – a marina organized as a community under Connecticut's Common Interest Ownership Act – to enforce his right to vote the shares and secured payment of his attorney's fees for having to do so.
- On behalf of an estate conservator, successfully appealed a probate court's reduction in her conservatorship fees and obtained a full remand. Winning the appeal required prevailing under the narrow "abuse of discretion" standard.

## Industries

Construction

Corporate

Insurance

## Practices

Bankruptcy, Restructuring, Creditors' Rights

Construction

Corporate Transactions

Insurance Coverage

Life, Health, Disability, and ERISA

Litigation

## **Education**

Providence College (B.A. 2009)

Western New England College (J.D. 2012)

## **Admissions**

State of Connecticut

U.S. District Court, District of Connecticut

## **Memberships**

Connecticut Bar Association, Young Lawyers Committee