

Bradley Croft Featured in Massachusetts Lawyers Weekly Article on Prompt Payment Act

By RIW on February 26, 2024



A leading authority on the Massachusetts Prompt Payment Act after obtaining the first judgment under that statute in the 2022 landmark case *Tocci Building Corporation v. IRIV Partners, LLC*, RIW was extensively quoted in this week's *Massachusetts Lawyers Weekly* in an article about a similar pending case.

The Massachusetts Supreme Judicial Court heard oral argument this month in *Business Interiors Floor Covering Business Trust v. Graycor Construction Company, Inc.*, focusing on whether a general contractor forfeits common law affirmative defenses by not paying subcontractors in a timely manner or explaining rejections per statutory requirements. The case's outcome will likely impact how disputes under the Prompt Payment Act are resolved and whether the parties from whom payment is sought can retain the funds in question until litigation concludes.

RIW President and Litigation Department Chair **Bradley Croft** led RIW's successful trial team in *Tocci* which resulted in a \$7 million judgment in the client's favor and was asked to comment on the potential implications of *Graycor*. He stated that "a party receiving a payment request has a choice to make: communicate the reasons for non-payment to the requesting party or make the payment — it must do one or the other," he said. "To permit that party to fail both to communicate its basis for nonpayment and to make payment vitiates the purpose of the law, even if that party had great reasons for withholding the payment."

Croft went on to say that contractors and subcontractors are often left in the dark as to the reasons they are not being paid, which places an enormous financial burden on parties that are often least able to afford it, especially after having already provided work or materials to the project.

Read the full article here: [MALW Prompt Payment Act \(Feb 2024\)](#)

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