

RODNEY ELLIOTT GOULD

HOME ADDRESS:

84 Gordon Road  
Waban, MA 02468  
(617) 244-7977

OFFICE ADDRESS:

205 Newbury Street  
Framingham, MA 01701  
(508) 875-5222

AREAS OF EXPERIENCE:

Travel Industry Law, General Litigation in Federal and state Courts; Antitrust; Employer/Employee Relations Including EEOC and State Administrative Issues; Mergers and Acquisitions; Administrative Law; General Corporate Counseling.

PRESENT POSITION:

Partner, Rubin, Hay & Gould, P.C.  
(general commercial and travel related litigation in Federal and state courts).

PREVIOUS POSITIONS:

Vice President & General Counsel,  
International Weekends Charter  
Vacations, Inc. Boston, MA (12/83-  
11/85).

Antitrust and Export Counsel Group  
Counsel, Digital Equipment Corporation,  
Maynard, MA (6/82-11/83).

Associate, Rosenman Colin Freund Lewis  
& Cohen, New York City (general  
litigation in Federal and State courts;  
antitrust litigation and counseling;  
administrative proceedings; travel law)  
(1/79-6/82).

Assistant Regional Director, Boston  
Regional Office, Federal Trade  
Commission (supervisor of development  
and litigation of cases in antitrust  
and consumer protection areas) (5/75-  
12/78).

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Associate, Covington & Burling, LLC,  
Washington, DC (general and antitrust  
litigation and counseling;  
administrative law practice before  
various federal agencies; U.S. Customs  
Court practice) (9/69-5/75).

Law Clerk, The Honorable David N.  
Edelstein, U.S. District Court Judge,  
S.D.N.Y. (8/68-9/69).

EDUCATION:

Columbia Law School (J.D. June, 1968)  
Overall grade average: A-

Honors:

Editor, Columbia Law Review  
James Kent Scholar 1966-67 (2nd in  
class)  
Graduated Magna Cum Laude  
International Fellow: 1967-68  
Crown-Zellerbach Foundation Fellow:  
1967-68  
Stone Scholar  
Moot Court Honors

Colby College, Waterville, Maine (B.A.  
1965), cum laude  
Rank in Class: 4th among 200 men  
Major in Political Science

London School of Economics and  
Political Science, London, England  
(Junior Year Abroad)

Honors:

Phi Beta Kappa  
Government Prize for Outstanding Senior  
in the History-Government Department  
Honors, January Program of Independent  
Study

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Other College Activities:

Captain, Debating Team  
Chairman, Academic Life Committee  
President, International Relations Club  
News Editor, London School of Economics  
Beaver

TEACHING AND OTHER  
PROFESSIONAL

ACTIVITIES:

Museum of Fine Arts - Visiting  
Committee  
(Contemporary Art) 2008 - Present

Director, Mass. Audubon Society

Adjunct Professor of Law, Northeastern  
University School of Law, Boston, MA;  
(Subjects: Corporations, Securities  
Law; Antitrust; Mergers & Acquisitions)  
2001; 1985-91

Adjunct Professor of Law, Boston  
University School of Law, Boston, MA;  
(Subjects: Corporations, Securities  
Law; 1985-88);

Adjunct Professor of Law, Western New  
England College School of Law,  
Springfield, MA; (Subject: Contemporary  
Problems in Mergers and Acquisitions;  
1982-85);

Dean, Southern New England School of  
Law; 1988-91;

Litigating International Torts in U.S.  
Courts, Thomson Reuters (West) ISBN#  
978-0-314-060197-1 (co-authored with  
The Honorable Thomas Dickerson,  
Associate Justice of the Appellate  
Division, Second Department, New York  
Supreme Court) (2012)

Rodney E. Gould

"Hotchkiss Decision", Guest Presenter,  
Educational Travel Conference  
Roundtable, Boston, MA (2013)

"Ask the Hard Questions", "Contracts  
and Waivers" and "Anatomy of a Tour  
Operator Bankruptcy", Speaker,  
Educational Travel Conference, Orlando,  
FL (2013)

"Tour Operator Risk Management Session:  
Keeping Students Safe and Secure",  
Speaker, Student & Youth Travel  
Association, Nashville, TN (2012)

"Hot Legal Issues", Guest Presenter,  
Educational Travel Conference  
Roundtable, Boston, MA (2012)

"Financial Meltdowns, Earthquakes,  
Political Instability and Heart  
Attacks: Learn from the Experts About  
the Risks Baked into any Travel  
Program" Speaker, Educational Travel  
Conference, Orlando, FL (2012)

"Travel Law", Speaker, Pennsylvania Bar  
Institute (2011)

"20 Questions: The Five Buckets of Risk  
Management" Panelist, Educational  
Travel Conference, Providence, RI  
(2011);

"Ask The Experts: New Legal, Security,  
Liability and Travel Considerations for  
Educational Travel", Speaker,  
Educational Travel Conference,  
Providence, RI (2010)

"Travel Law", Speaker, Pennsylvania Bar  
Institute (2009)

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"Negotiating Tactics for Hotel  
Contracts", Speaker, Student & Youth  
Travel Association, Tampa, FL (2008)

Rodney E. Gould

"Peace of Mind: Ten Top Ways to Protect Your Institution, Travelers and Programs" Speaker, Educational Travel Conference, Baltimore, MD (2007)

Preventing Litigation and the Industry Insurance Crisis; Speaker, Student & Youth Travel Association, San Diego, CA (2005)

Travel, Technology, and the Law  
Speaker, ARTA/Travel Weekly Symposium, Washington, DC (2003)

Legal Fallout From September 11  
Boston Travel Professionals, Boston, MA (2002)

Terrorism & Travel Agents  
Speaker, ARTA/Travel Weekly Symposium, Washington, DC (2002)

Arbitration v. Litigation  
Speaker, ARTA/Travel Weekly Symposium, Washington, DC (2001)

The Importance of Responsibility  
Clauses Speaker, Student and Youth  
Travel Association, Quebec Retreat  
(2000)

How Travel Agents Can Avoid Litigation,  
Travel Weekly, (February 11, 1999)

Unique Problems in Student Travel  
Speaker, Student and Youth Travel  
Association, Orlando, FL (1998)

Responsibility Clauses and Liability  
Issues; Travel Marketing & Agency  
Management Guidelines (January/February  
1995)

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Travel Agents Responsibilities, Travel  
Marketing & Agency Management  
Guidelines (September/October 1994)

Liability of Travel Agents - Revisited  
Travel Marketing & Agency Management  
Guidelines (March 1992)

Defending Suits Against Travel Agents,  
Travel Marketing & Agency Management  
Guidelines (January, 1991)

Liability of Travel Agents, Travel  
Marketing & Agency Management  
Guidelines (October, 1990)

Chairman, Practicing Law Institute  
Travel Industry Problems -- Travel  
Litigation, Terrorism, Deregulation and  
the Public Interest (1987)

Groups, Negotiations and the  
International Regulatory Process, 10th  
International Congress on Africa  
Tourism (1985)

The Unidroit Draft Convention on the  
Hotelkeeper's Contract: A Major Attempt  
to Unify the Law Governing Innkeeper-  
Guest Liability, 13 Cornell  
International Law Journal 33 (1980)

Unidroit, United States Delegate to  
Draft Convention on the Hotelkeeper's  
Contract (Unidroit Committee of  
Government Experts), Rome (1978)

Faculty member, Practicing Law  
Institute Charters and Enforcement in  
the Travel Industry (jurisdiction Over  
Air Carriers and Others) (1978)

Rodney E. Gould

Panelist, Twelfth New England Antitrust Conference; Price and Price-Related Vertical Restraints (1978)

Trade Associations and the Antitrust Laws, Annual Convention, National Tour Brokers Association (1978)

New Directions at the F.T.C., Antitrust Committee, Boston Bar Association (1978)

The Legal Ramifications of Overbooking Industry Advisory Council, American Hotel & Motel Association (1978)

The Federal Trade Commission, Trade Associations and Joint Conduct, Eastern States Retail Association Conference (1977)

Packaging, Discounts and Commissions -- Are You Breaking the Antitrust Laws, Discovery America Travel Organization, Inc. (1977)

Member, Planning Committee for Twelfth New England Antitrust Conference (1978)

Executive Committee, Leadership Friends, Massachusetts Audubon Society (1986-1992)

Member, Antitrust Committee, Boston Bar Association (1978-present)

Member, Boston Bar Association, Ethics Committee (1993-present)

Mediator, Middlesex County Multi-Door Arbitration Panel (1994-present)

Arbitrator, Small Claims Division, New York State Supreme Court (1981-1982)



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Retained as expert witness in Wells, et al. v. Holiday Inns, Inc. (W.D. Mo. 1981); Stern, et al. v. Olivia Cruises, et al. (County of Alameda, Sup. Ct. No. 831979-1); Flocco v. Atkinson & Mullen, Inc. d/b/a Apple Vacations, et al. (Delaware County Court of Common Pleas, PA; No. 02-5207); Harvey v. National Educational Travel Council, Inc. a/k/a NETC, Inc., et al., (Montana Fourth Judicial District Court, Missoula County; Cause No. DV-04-885); Pacifico v. US Airways, Inc., (U.S. District Court, District of Connecticut, Civil Action No. 3:05CV830); Thomas v. A+ Travel Corp. d/b/a A Plus Travel Adventures, et al., (Ohio Court of Common Pleas, Stark County, Ohio; Case No. 2006-CV-04348); Richard Hallajian v. Sidon Travel, et al., (Los Angeles Superior Court - North Central District; Case No. EC042102); Kidd v. StudentCity.com, et al., (Pennsylvania Court of Common Pleas - Philadelphia; No. 0605-3226); Horton v. Getaway Adventures, et al., (California Superior Court, County of Sonoma; Case No. SCV 240675); Ackerman, et ux. v. Atkinson & Mullen Travel, Inc. T/A Apple Vacations, et al., (Circuit Court for Hartford County, Case No: 12-C-06-0030630T); Camarote v. Atkinson & Mullen Travel, Inc. d/b/a Apple Vacations and The Cruise Agency v. AMSTAR, Inc., (Pennsylvania Court of Common Pleas - Philadelphia; No. 00869); Gallagher, et al. v. American Express Travel Related Services Company, Abercrombie & Kent, Inc., et al., (U.S. District Court - Central District of California, Case No. SACV08-743 AG (RNBx)); Bucchino, et al. v. Atkinson & Mullen Travel, Inc. t/a

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Apple Vacations, et al., (Pennsylvania Court of Common Pleas - Philadelphia; No. 1997); Webster v. Atkinson & Mullen Travel, Inc. d/b/a Apple Vacations and GWV Vacations, an Apple Vacations Company, et al., (Court of Common Pleas - Philadelphia No. 000560); Mahsoul v. StudentCity.com, Inc., et al., (California Superior Court, County of San Mateo, Case No. CIV 478287

REPORTED CASES: Hodes v. S.N.C. Achille Lauro, 858 F.2d 905 (3d Cir. 1988), cert. dismissed, 490 U.S. 1001 (1989); Storazzi v. Bakey, 894 F. Supp. 494 (D. Mass.), aff'd, 68 F.3d 455 (1st Cir. 1995); Stafford v. Intrav, Inc., 841 F. Supp. 284 (E.D. Mo. 1993), aff'd, 16 F.3d 1228 (8th Cir. 1994); Manahan v. NWA, 821 F. Supp. 1105 (D.V.I. 1991), supp. op. adhered to, recons. denied sub nom, Manahan v. Yacht Haven Hotel, 821 F. Supp. 1110 (D.V.I. 1992), aff'd, 995 F.2d 218 (3d Cir. 1983); Carley v. Theater Dev. Fund, 22 F. Supp. 2d 224 (S.D.N.Y. 1998); Dubret v. Holland America Line Westours, Inc., 25 F. Supp. 2d 1151 (W.D. Wash. 1998); Schechter v. Tauck Tours, Inc., 17 F. Supp. 2d 255 (S.D.N.Y. 1998); Bryant v. Cruises, Inc., 6 F. Supp. 2d 1314 (N.D. Ala. 1998); Harden v. American Airlines, 178 F.R.D. 583 (M.D. Ala. 1998); Plinio v. Americana Aruba Beach Resort & Casino, 1998 U.S. Dist. LEXIS 22107 (D.N.J. Nov. 4, 1998); Sova v. Apple Vacations, 984 F. Supp. 1136 (S.D. Ohio 1997); O'Keefe v. Inca Floats, Inc., 1998 A.M.C. 645 (N.D. Cal. 1997); Ramage v. Forbes Int'l, Inc., 987 F. Supp. 810 (C.D. Cal. 1997); McLaughlin v. TWA Getaway Vacations, Inc., 979 F. Supp. 174 (S.D.N.Y. 1997); D'Amato v. Horizon

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Holidays, Inc., 1997 U.S. Dist. LEXIS 19120 (D.N.J. June 18, 1997); Passero v. DHC Hotels and Resorts, Inc., 981 F. Supp. 742 (D. Conn. 1996); Honeycutt v. Tour Carriage, Inc., 997 F. Supp. 694 (W.D.N.C. 1996); Rawlins v. Clipper Cruise Line, 1998 A.M.C. 1260 (E.D. Mo. 1996); Rawlins v. Clipper Cruise Lines, 1998 A.M.C. 1254 (N.D. Cal. 1995); Klinghoffer v. S.N.C. Achille Lauro, 816 F. Supp. 934 (S.D.N.Y. 1993); Ross v. Trans Nat'l Travel, 1990 U.S. Dist. LEXIS 6994, 1990 WL 79229 (D. Mass. 1990); Global Travel Marketing, Inc. v. Shea, 908 So.2d 392 (Fla. 2005); Aronov v. Bruins Transp. Inc., 742 N.Y.S. 2d 389 (App. Div. 2d Dep't 2002); Powell v. Trans Global Tours, Inc., 594 N.W.2d 252 (Minn. Ct. App. 1999); Adames v. Trans Nat'l Travel, 1998 Mass. Super. LEXIS 108 (Mass. Super. Ct., Suffolk Co, Apr. 10, 1998); Western Alliance Ins. Co. v. Gill, 426 Mass. 115, 686 N.E.2d 997 (1997); Smith v. West Rochelle Travel Agency, Inc., 656 N.Y.S.2d 340 (App. Div. 2d Dep't 1997); Accomando v. Trans Nat'l Travel, 23 Av. Cas. (CCH) 18,140 (Mass. Super. Ct., Suffolk Co. June 19, 1991); Dow v. Abercrombie & Kent Int'l, Inc., 2000 U.S. Dist. LEXIS 7290 (N.D. Ill. May 24, 2000); Paredes v. Princess Cruises, Inc., 1 F. Supp. 2d 87 (D. Mass. 1998); Paredes v. Abercrombie & Kent Int'l, Inc., 81 F. Supp. 2d 162 (D. Mass. 1999); Sachs v. TWA Getaway Vacations, Inc., 125 F. Supp. 2d 1368 (S.D. Fla., 2000); Laffal v. Overseas Adventure Travel Partners, Inc., 2000 U.S. Dist. LEXIS 4547, 2000 WL 362017 (M.D. Fla. Mar. 31, 2000); Viches v. MLT, Inc., 124 F. Supp. 2d 1092 (E.D. Mich. 2000); Andrei v. DHC Hotels and Resorts, Inc., 2000 U.S. Dist. LEXIS 4107, 2000 WL

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343773 (S.D.N.Y. Mar. 31, 2000); Milgrim v. Backroads, Inc., 142 F. Supp. 2d 471 (S.D.N.Y. 2001); Kogan v. Musker Discovery Programs, Inc., 2000 N.Y. Misc. LEXIS 587 (N.Y. Sup. Ct., Oct. 30, 2000); St. John v. Rein Teon Tours, Inc., 2000 U.S. Dist. Lexis 9793 (S.D.N.Y. July 17, 2000); McElheny v. Trans Teen Nat'l Travel, Inc., 165 F. Supp. 2d 190 (D.R.I. 2001); Patrick v. Massachusetts Port Authority, 141 F. Supp. 2d 180 (D.N.H. 2001); Gabrielle v. Allegro Resorts Hotels, 210 F. Supp. 2d 62 (D.R.I. 2002); Fenn v. Trans Nat'l Travel, Inc., 2002 Mass. Super. LEXIS 176 (Mass. Super. Ct., Norfolk Co., June 27, 2002); Giverson v. Relocation Advisors, Inc., 2004 Extra LEXIS 107, 2004 WL 1764089, (Miss Civ. Ct., Tunica Co., July 21, 2004); Global Travel Marketing, Inc. v. Shea, 908 So. 392 (Fla. 2005); Consumer Crusade, Inc. v. JD&T Enterprises, Inc., 2006 U.S. Dist. LEXIS 42000 (D. Colo. June 22, 2006); Irwin v. World Wildlife Fund, Inc., 448 F. Supp. 2d. 29 (D.D.C. 2006); Levitt v. Fax.com, Civil No. WMN-05-949, slip op. (D. Md. May 25, 2007); Hartwell v. Relocation Advisors, Inc., 2007 Mass. Super. LEXIS 559 (Mass. Super. Ct., Middlesex Co. Dec. 11, 2007); Hofer v. The Gap, Inc., 516 F. Supp. 2d 161 (D.Mass. 2007); Gianocostas v. Interface Group - Massachusetts, Inc., 450 Mass. 715, 881 N.E.2d 134 (2008); Zuckerman v. Camp Laurel, 2008 U.S. Dist. LEXIS 74373 (S.D.N.Y. Sept. 24, 2008); Kalter v. Grand Circle LLC, 2009 U.S. Dist. LEXIS 59899 (C.D. Cal. 2009); Werz v. Camp Tioga, Index No. 2200/2008, slip op. (N.Y. Sup. Ct., Nassau Co. Jan. 29, 2009); Geographic Expeditions, Inc. v. The Estate of Jason Lhotka, 599 F.3d

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1102 (9th Cir. 2010); Global Travel Mkt'g, Inc. v. Steynberg, Case No. 10-22538, slip op. (Fla. Cir. Ct., 17<sup>th</sup> Jud. Dist., Broward Co. Jan. 3, 2011); Marino v. Mill Basin Realty, LLC, Index No. 5448/2008, slip op. (N.Y. Sup. Ct., Kings Co. Feb. 1, 2011); Rosenberg v. Camp Kinder Ring, Index No. 13664/2008, slip op. (N.Y. Sup. Ct., Nassau Co. Feb. 4, 2011); Staten v. City of New York, 90 A.D.3d 893, 935 N.Y.S.2d 80 (2d Dep't 2011); L.F. v. Surprise Lake Camp, Case No. 11-00718 DMG (AGR<sub>x</sub>), slip op. (C.D. Cal. May 10, 2011); Kalb v. City of New York, Index No. 115771/2010, slip op. (N.Y. Sup. Ct., New York Co. May 10, 2011); Ayzenberg v. Bronx House Emanuel Campus, Inc., 93 A.D.2d 607, 941 N.Y.S.2d 106 (1<sup>st</sup> Dep't 2012).

BAR ADMISSIONS:

Massachusetts, New York, Washington, D.C.; New Hampshire; Pennsylvania; California; U.S. Court of International Trade; 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, D.C. and Federal Circuits; United States Supreme Court

PERSONAL DATA:

Date of Birth: 6/3/43, married, two children.