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PRACTICE AREAS

- Commercial Litigation
- Construction
- Bad Faith and Extra-Contractual Liability
- Breach of Contract
- Climate Change
- Contingency Insurance
- Cyber Risk and Losses
- Engineering and Construction
- General Liability Coverage and Defense
- Insurance
- Pandemic Claims and Litigation
- Products Liability
- Property Insurance
- Subrogation

BAR AND COURT ADMISSIONS

- State Bar of Minnesota
- Federal District Court of Minnesota
- U.S. Court of Appeals: Eighth Circuit

Nick is a partner in Zelle's Minneapolis office. He represents some of the world's largest insurance companies in a wide range of areas, including property and liability coverage disputes, as well as defending insureds under liability policies. Nick also represents clients in complex commercial, construction, and real estate disputes, and he advises clients on an ongoing basis concerning contract, risk management and other general business issues.

Nick's practice is predominately defense oriented, but he also appears as plaintiff counsel in subrogation and other matters, where he has secured substantial recoveries for his clients.

Nick has been lead counsel litigating cases in multiple jurisdictions throughout the United States, and has experience in jury trials, court trials, and arbitration proceedings in a broad range of areas.

REPRESENTATIVE MATTERS**Insurance Coverage**

Represented insurer in coverage matters regarding a claims-made liability policy (*Ritrama, Inc. v. HDI-Gerling Am. Ins. Co.*).

Represented insurer in defense of bad faith and breach of contract claims (*Peterson v. The Travelers Indemnity Co.*).

Represented insurer in a coverage lawsuit arising out of a quadriplegic personal injury lawsuit (*Lloyd's v. Crystal Mountain, Inc.*).

Represented insurers in claims and lawsuits arising out of the COVID-19 pandemic alleging business interruption and related coverages under property insurance policies.

Routinely acts as monitoring counsel or coverage counsel on behalf of excess liability insurers in large exposure lawsuits.

Product Liability, Personal Injury, and Property Damage Defense

Routinely defends insureds under liability insurance policies, in jurisdictions

EDUCATION

- Hamline Law School, J.D., *cum laude*, 2009
- University of Kansas, B.S., Finance, 2006

across the United States, in lawsuits alleging personal injury or property damages.

Represented consumer of powdered infant formula in a products liability action under an alternative liability theory (*Burks v. Abbott Laboratories, et al.*).

Construction and Real Estate

Represented general contractor in defense of construction defect and breach of warranty claims (*Oxford Hill Association, Inc. of Minnesota v. Frana Companies, Inc., et al.*).

Defended breach of contract actions brought by contractors against developer of commercial property (*Langford Tool v. The 401 Group, LLC, District Court of Minnesota*).

Represented homeowner in a misrepresentation case against seller for failure to disclose material defects (*Roers v. Pierce*).

Represented general contractor in defense of ERISA claims alleging under-payment of fringe benefits (*Nelson v. Frana Companies, Inc.*).

Business Disputes and Commercial Litigation

Represented large financial institution in a bad faith insurance coverage dispute against a title insurer (*U.S. Bank National Association v. First American Title Ins. Co.*).

Represented private aircraft owner in a lawsuit to recover damages resulting from the release of fire suppression foam (*A Street LLC v. Lynx FBO Anoka, LLC et al.*)

Subrogation

Represented insurer and its insured in a subrogation lawsuit arising out of a compressed natural gas explosion. (*McNeilus Truck and Manufacturing, Inc. v. Swagelok Company et al.*).

ARTICLES & PRESENTATIONS

"PFAS: What Liability Insurers Need to Know," Zelle webinar, October 4, 2022, presenter

"Opioid Case May Guide Climate Change Insurance Suits," *Law360 Insurance Authority*, May 11, 2022, co-author

"Why Climate Plaintiffs Are Filing Securities, Consumer Suits," *Law360*, March 15, 2022, co-author

"Complex CAT Claims: Differing Policies in Paradise Webinar (Commercial Lines Property)," PLRB, January 28, 2021, co-presenter

"Construction Delays and Coronavirus," Zelle Webinar, April 16, 2020, presenter

"Builder's Risk Coverage for Construction Defects and Accidents Caused by Defective Workmanship," Stafford webinar, June 27, 2018, co-presenter

"Legal Matters: Potential defense to construction defect claims," *Finance & Commerce*, January 26, 2017, author

PROFESSIONAL AFFILIATIONS

North American Contingency Association (NACA)

International Amusement & Leisure Defense Industry (IALDA)

NOTEWORTHY

Selected for inclusion in *The Best Lawyers in America*®, 2024.

Named *Rising Star* by *Minnesota Super Lawyers*® from 2013-2023.