

“we don’t do everything,  
but what we do, we do  
exceptionally well.”

## Cheryl M. Nicolson

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As founder and manager of the firm, Cheryl Nicolson focuses the firm’s efforts in niche areas where the firm’s lawyers have substantial experience with both the legal issues and their clients’ businesses.

Ms. Nicolson focuses her practice on the representation of product manufacturers, retailers and insurers in tort and commercial litigation. Ms. Nicolson also represents companies involved in commercial transportation and construction defect litigation. In addition, she represents public and independent schools in all matters of school life and governance including labor and employment, student safety, school policy and civil rights.

Ms. Nicolson has represented clients in federal and state courts, courts of appeal and ADR proceedings. She is AV Rated by LexisNexis Martindale-Hubbell. Ms. Nicolson is recognized as a Super Lawyer, a distinction that recognizes the top 5 percent of Pennsylvania lawyers in practice.

### Relevant Experience

- Substantial product litigation experience involving a broad range of residential, commercial and industrial products based upon claims of design defect, manufacturing defect and inadequate warnings.
- Serves as national counsel for global manufacturer in product litigation filed across the United States. Responsible for discovery, trial preparation and subrogation efforts.
- Representation of auto manufacturer in multidistrict litigation involving asbestos products.
- Representation of silicone manufacturer in multidistrict litigation involving breast implants.
- Representation of global leader in the manufacture of home and commercial appliances involving refrigerators, freezers, ranges, washers, dryers, dishwashers, dehumidifiers and vacuum cleaners in litigation and arbitration matters across the country.
- Representation of tire manufacturer in product litigation.
- Representation of leading global automotive supplier in product litigation.
- Representation of manufacturer of electrical distribution systems and electrical components in litigation involving fire and electrocution.
- Representation of diversified manufacturer of industrial components serving the railroad, automotive and construction industries.
- Representation of global retailers in matters involving premises liability, sale of products, installation of products and post-sale service.
- Representation of food and beverage companies in litigation involving the manufacture and sale of their products.
- Representation and counseling of private and public schools in a broad range of matters involving: school administration, student safety, labor and employment, curriculum, school policy, contracts, and civil rights.

### Membership

NAMWOLF (National Association of Minority and Women Owned Law Firms)

WBENC (National Women’s Business Enterprise Certification)

IADC (International Association of Defense Counsel)

Pennsylvania Bar Association

New Jersey Bar Association

Asante Africa Foundation

National Association of Independent Schools

PADI Certified Diver

United States Figure Skating Association

### Admissions

Pennsylvania

New Jersey

Ohio

United States District Court, Eastern District of Pennsylvania

United States District Court, Middle District of Pennsylvania

- Representation of insured individuals and commercial entities involved in commercial litigation and construction defect litigation.
- Representation of commercial entities involved in commercial motor vehicle litigation.
- Representation of insurers in bad faith and coverage related litigation.
- Representation of brokers involved in disputes with third parties concerning errors and omissions, insurance coverage and breach of contract.

## Representative Matters

- Defense verdict in Pennsylvania federal court where it was alleged that a compact refrigerator caused a fire at a high school resulting in substantial property damage. Obtained precedent setting ruling on spoliation of evidence resulting in an adverse inference instruction to the jury. The defense verdict was affirmed on appeal to the Third Circuit Court of Appeals.
- Defense verdict in Pennsylvania state court action where an allegedly defective refrigerator caused a fire and resulting property damage. The defense successfully proved that the refrigerator was not in the area of fire origin and that the refrigerator did not contain any evidence of abnormal electrical activity.
- Defense verdict in favor of servicer of a product in Pennsylvania state court action where it was alleged that negligent service was the cause of a house fire. Through fact and expert testimony, the defense successfully proved that the servicer's work on the product was not the cause of a residential fire.
- Defense verdict in state court action in favor of an international retailer of children's toys in premises liability action where it was alleged that a defective condition in the property caused bodily injury to store patron.
- Achieved cost-effective settlement of all cases on behalf of breast implant component part manufacturer involved in multidistrict breast implant litigation.
- Represented brokers in surety bond litigation involving an E&O claim in which surety company claimed in excess of \$24 million in damages in construction defect and delay litigation. The case was tried in federal court to verdict in favor of the plaintiff in an

amount less than \$2 million dollars constituting a small fraction of the damages claimed and monies demanded in settlement prior to the trial.

- Obtained voluntary dismissals of product litigation venued throughout the United States. The litigation claimed millions in damages and was based upon allegations that a defectively designed product caused fires.
- Achieved beneficial settlement on behalf of an independent school and teacher in high-profile litigation by student and student's family in which they alleged, among other claims, breach of contract, assault and intentional infliction of emotional distress.
- Achieved economically favorable settlement on behalf of public school in litigation by student and student's family in which they alleged negligent supervision of student resulted in catastrophic injuries to student rendering her permanently brain damaged and quadriplegic.
- Successfully defended independent school in volatile litigation by student and student's family where student sought millions in damages for harm allegedly resulting from student's expulsion for acts which student committed while off the school campus.
- Obtained dismissal of School Board in vehicular wrongful death action involving the transportation of a student on school bus.
- Successful and cost-effective management of multi-million dollar arbitration program involving hundreds of product liability claims across the country.
- Obtained Summary Judgment in favor of manufacturer on the threshold issue that the product was not "unreasonably dangerous" under Pennsylvania law.
- Obtained numerous voluntary dismissals and orders of dismissal of foreign manufacturers after the filing of Motions to Dismiss based upon lack of personal jurisdiction.
- Successfully challenged expert's testimony on design defect opinions under Daubert in product liability action.

United States District Court, Western District of Pennsylvania

United States District Court, District of New Jersey

United States District Court, Northern District of Florida

United States Court of Appeals, Third Circuit

## Professional Activities

Ms. Nicolson is an Adjunct Professor of Law at Villanova University School of Law where she currently teaches Federal Civil Pretrial Practice and has taught Business Torts. In addition, she has lectured internationally on NFPA 921 and its impact on arson investigations and product liability litigation.

At the request of the court, Ms. Nicolson was appointed to the Board of Directors of the Delaware County Legal Assistance Association where she co-chaired a national search for the selection of a new Director and Chief Counsel for the organization.

**NAMWOLF** Super Lawyers



Received the highest ranking for legal ability and professional ethics from the Martindale-Hubbell Peer Review Ratings.