

“we listen to our clients to deliver value; we counsel our clients to deliver results.”

David A. Herman

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David is a Partner at Nicolson Law Group and an experienced litigator who provides stern representation to his clients through all phases of litigation. He is experienced in the areas of product liability, retail liability, commercial transportation, professional negligence and malpractice, construction defects, subrogation, commercial contract formation and disputes, and financial services litigation.

Mr. Herman has represented clients ranging from private individuals to multinational corporate entities throughout the State and Federal Courts of Pennsylvania and New Jersey. He has also served as national coordinating counsel for insurance companies and self-insured entities, handling matters throughout the United States.

In his subrogation practice, Mr. Herman has recovered millions of dollars on behalf of his clients. He has counseled his clients in developing cost-effective strategy to identify subrogation potential and preserve critical evidence in the immediate aftermath of a loss.

Mr. Herman is recognized as a Rising Star in Pennsylvania Super Lawyers magazine, a distinction that recognizes the top 2.5 percent of Pennsylvania lawyers in practice for 10 years or less.

Mr. Herman has volunteered his time, both personally and professionally, to Philadelphia-area animal shelters. He has served as outside counsel for one such non-profit shelter, implementing safeguards to avoid litigation and protect assets. Mr. Herman has also represented numerous individuals in litigation on a pro bono basis.

Relevant Experience

- Serves as defense counsel for 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.
- Served as defense counsel for manufacturer of commercial and residential windows in construction defect/product liability litigation.
- Representation of homebuilders and general contractors in residential and commercial construction defect litigation.

Membership

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

Pennsylvania Bar Association

New Jersey Bar Association

Admissions

Pennsylvania

New Jersey

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, District of New Jersey

U.S. District Court, Western District of Pennsylvania

U.S. Court of Appeals, Third Circuit

- Representation of owners and operators of commercial vehicles specializing in paratransit, commuter buses and waste removal.
- Representation of nationwide operator of commercial facilities management company.
- Served as defense counsel for global logistics company in a variety of claims ranging from minor property damage to catastrophic injury and wrongful death claims.
- Co-managed and streamlined a nationwide subrogation claim submission effort resulting in the recovery of millions of dollars of property loss payments.
- Served as defense counsel for nationwide operator of private security company.
- Mr. Herman has experience defending lawsuits against fraternity members and has handled cases involving a wide variety of claims including hazing, sexual misconduct, sexual assault, battery, furnishing alcohol to minors, and wrongful death.
- 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.
- Obtained nonsuit in the course of pro bono representation of client wrongfully accused of hit and run.
- Successfully moved for dismissal at trial of plaintiff's breach of contract claim stemming from contractor performance of home insulation and energy conservation services.
- Successfully moved for dismissal of professional liability claim by arguing applicability of Affidavit of Merit statute, where Plaintiff alleged that nursing home failed to notify family of resident who was discharged to hospital with terminal illness.
- Successfully argued Motion for Summary Judgment on behalf of large national bank, where government agency alleged negligence in negotiating fraudulent checks.
- Negotiated zero-dollar settlement on behalf of large national bank by successfully asserting UCC breach of presentment warranty defense against depository banks, where plaintiff claimed three banks negligently negotiated fraudulently endorsed check.

Representative Matters

- Obtained defense verdict at trial in commercial auto/retail breach of contract matter.
- Obtained summary judgment of third party contractual indemnity claims on behalf of pharmaceutical company where third party plaintiff failed to demonstrate that client breached its agreement to procure requisite insurance for benefit of third party plaintiff.
- Obtained summary judgment on behalf of a real estate investment trust in a significantly valued personal injury matter, successfully arguing that the trust's ownership interest in the subject property was too remote for liability to attach.
- Obtained defense awards at Arbitrations involving claims of premises liability and motor vehicle liability.

