



**Todd & Weld** LLP

## Nicholas B. Carter

Partner

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### **A veteran trial lawyer, Nick Carter has obtained multiple seven-figure jury verdicts on behalf of clients.**

Nick Carter knows his way around the courtroom.- With nearly three decades of trial experience in state and federal courts, his successful courtroom advocacy has led to multiple seven-figure jury verdicts for clients, as well as favorable outcomes through dispositive motions, arbitration results, and settlements.

A partner at Todd & Weld, Nick has a strong record of litigation success in a vast array of matters, including complex business disputes, employment discrimination claims, financial fraud claims, defamation, and real estate disputes.-

Recent examples of Nick's courtroom success include obtaining a:

- **\$2 million federal jury verdict**-after a three-week trial in favor of a high-ranking female Boston Police detective for gender bias, retaliation, and hostile work environment after she lodged gender bias accusations against a male supervisor.
- **\$1.5 million jury verdict**-after a two-week trial in federal court on behalf of a law enforcement official for job discrimination and defamation; the jury awarded significant punitive damages.
- **\$4.4 million jury verdict**-in state court on behalf of two estates seeking the return of inheritance money in an investment account, where the jury found that a financial advisor and a deceased man's nephew had conspired to secretly divert the account funds; the jury awarded significant punitive damages.

Nick's track record has earned him high regard in the trial bar, as exemplified by his selection to *Best Lawyers in America*-for commercial litigation, which selection is based on peer-review evaluations.- He has been frequently named to *Massachusetts-Super Lawyers*-for general litigation.

Nick is conversant in Spanish and French.

## Practice Areas

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- Business Litigation
- Employment Law and Litigation
- Civil Rights Litigation
- Personal Injury
- Class Action/Mass Tort Litigation

## Representative Results

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### Business Litigation

- After a week-long trial, obtained a verdict in favor of his client that required a company to purchase a business subject to a signed \$1.4 million purchase and sale agreement.
- During empanelment for an anticipated 4–5-week jury trial, successfully settled a complex business dispute on behalf of his clients – a network of closely held family-owned companies, the founder, and the majority shareholders – who sought the return of more than \$2 million in compensation after the former president and director breached his fiduciary duty to the company.

### Elder Abuse/Financial Fraud

- Obtained a **\$4.4 million jury verdict** in state court on behalf of two estates seeking the return of inheritance money in an investment account, where the jury found that a financial advisor and a deceased man's nephew had conspired to secretly divert the account funds; the jury awarded significant punitive damages.

### Employment Litigation

- Persuaded a Massachusetts Superior Court judge to deny the request of a salesman for a class action arbitration against his former auto dealership employer.
- Secured a defense verdict after federal trial on behalf of a closely held corporation, defeating a \$5 million claim for additional insurance benefits by a senior executive.
- Persuaded an arbitrator to enforce a 10-year non-solicitation and non-disclosure agreement on behalf of his clients.
- Successfully defended a group of medical device sales representatives against a major medical device manufacturer, which sought a preliminary injunction to prevent the individual sales representatives from joining a competitor.
- Secured a significant settlement for clients asserting race and gender discrimination claims against a municipal entity.

### Insurance Coverage

- Prevailed in a complex insurance coverage dispute against an insurance company on behalf of a restaurant franchisee, who faced more than \$4 million in exposure relating to catastrophic personal injuries suffered on the business premises.

### **Premises Liability**

- In a rare Bristol County Superior Court verdict for a plaintiff, persuaded a jury to find for his client against a nightclub where his client had been assaulted.

### **Religious Institution Litigation**

- In a case related to the control of a Beacon Hill church and its \$30 million building, persuaded a judge to rule that the senior pastor and one church faction had wrongfully seized control of the church in violation of the Church's bylaws, which ruling led to a successful, global settlement of pending claims and counterclaims in federal and state court.
- In related litigation, persuaded the Supreme Judicial Court to uphold the ownership rights of the Beacon Hill church after it disaffiliated from the national organization of Swedenborgian churches.

### **Real Estate Litigation**

- Persuaded a Massachusetts Superior Court judge to deny a hotel operator's preliminary injunction request in a lease dispute based on the operator allowing the property to fall into disrepair.
- Obtained a-\$1.4 million arbitration award-on behalf of a seller in a dispute over the thwarted sale of a Rhode Island nursing home.
- Following a four-day bench trial, obtained a judgment requiring the sale of a Dunkin' Donuts franchise location to their clients.

### **Personal Injury**

- Following a six-week jury trial, obtained a \$2 million verdict on behalf of a physically abused autistic child against a school's medical director and various administrators who had failed to supervise the child's teachers, and against the several teachers who had committed the abuse.

### **Experience**

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- Todd & Weld LLP, 1997 to present
- Hale and Dorr LLP, Boston, Massachusetts, 1993-1997
- Law Clerk, U.S. District Judge A. David Mazzone, Boston, Massachusetts, 1992-1993

### **Bar Admissions**

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- Massachusetts, 1992
- Maryland , 1993

- U.S. Court of Appeals, First Circuit, 1992

## Education

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- Boston College Law School (J.D., *magna cum laude*, 1992)
- Harvard University (B.A., *magna cum laude*, 1987)

## Professional Activities

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- Boston Bar Association
- Massachusetts Bar Association, Access to Justice Section Council Member (2016-2017)
- Trial Advisor to the Harvard Trial Advocacy Workshop

## Publications/Presentations

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- MCLE, Panel Moderator, "Religious Organization Law," February 2019
- Co-author, Discovery Motions chapter in Massachusetts Superior Court Civil Practice Manual, 3d ed. 2013, with 2015 Supplement (MCLE)

## Honors and Awards

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- Named to *Best Lawyers in America*-in Commercial Litigation, 2018-2024
- Named to 2021-*Super Lawyers*-Top 100 Attorneys in Massachusetts
- Named to Massachusetts-*Super Lawyers*-for General Litigation, 2009-2022
- AV Rating in Martindale-Hubbell

## In the Community

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- Warden, Trinity Parish Newton (Episcopal), 2011-2017, 2021-present
- Member, Board of Directors, Haiti Projects
- Vestry, Trinity Parish Newton (Episcopal), 2008-2011
- Standing Committee, Episcopal Diocese of Massachusetts, 2007-2011

## News & Insights

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- Nick Carter offers expert analysis on MA Appeals Court decision allowing trip-and-fall case to proceed despite 'trivial' defect
- 30 Todd & Weld attorneys named 2022 Massachusetts Super Lawyers and Rising Stars
- Nineteen Todd & Weld attorneys named to 2023 Best Lawyers in America
- Nick Carter comments on court decision concerning medical causation in personal injury case
- 30 Todd & Weld attorneys named 2021 Massachusetts Super Lawyers and Rising Stars

- Nick Carter, Howard Cooper, Ingrid Martin, and Gary Todd named to 2021 Top 100 Super Lawyers List
- Sixteen Todd & Weld attorneys named to 2022 Best Lawyers in America
- Nick Carter comments in news article on potential jury vaccine mandates
- 30 Todd & Weld attorneys named 2020 Massachusetts Super Lawyers and Rising Stars
- Seventeen Todd & Weld attorneys named to 2021 Best Lawyers in America
- Firm win denying class action arbitration featured in MA Lawyers Weekly
- 31 Todd & Weld attorneys named 2019 Massachusetts Super Lawyers and Rising Stars
- Fifteen Todd & Weld attorneys named to 2020 Best Lawyers in America
- \$4.8M jury verdict obtained by Nick Carter, Matt Furman featured in RI Lawyers Weekly
- Nick Carter to moderate program on religious organization law
- 30 Todd & Weld attorneys named 2018 Massachusetts Super Lawyers and Rising Stars
- Fourteen Todd & Weld attorneys named to 2019 Best Lawyers in America
- Firm files race, gender bias suit against Boston Water and Sewer Commission
- Nick Carter quoted in Mass. LW article on 'self-critical analysis' discovery privilege
- Todd & Weld attorneys recognized in New England's Best Lawyers publication
- Nick Carter quoted in news article on appeal of \$1.5M verdict for client
- 24 Todd & Weld attorneys named 2017 Massachusetts Super Lawyers and Rising Stars
- Ten Todd & Weld attorneys named to 2018 Best Lawyers in America

## Results

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- Firm obtains \$2M gender bias verdict for female Boston Police detective
- Firm obtains arbitration win for auto dealer involving employee non-solicitation breach
- Court affirms \$2M gender bias verdict for Boston Police officer
- Nick Carter, Luci Passanisi obtain \$2M gender bias verdict for female Boston Police detective
- Nick Carter, Matt Furman defeat preliminary injunction request in commercial lease dispute
- Judge rejects car salesman's request for class action arbitration
- Nick Carter, Suzanne Elovecky obtain \$1.4M arbitration award in nursing home sale dispute
- Nick Carter, Matt Furman obtain \$4.8M jury verdict in elder abuse case
- Firm obtains two Top Ten largest 2017 jury verdicts in Massachusetts
- Nicholas Carter and Benjamin Wish win appeal requiring sale of franchise location to clients
- Nick Carter, Suzanne Elovecky persuade court to deny preliminary injunction in real estate dispute