



Nicole McLaughlin

 Partner

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🐦 @millernashllp

“I listen to clients’ needs and concerns and provide practical, solution-focused legal advice to meet clients’ goals and risk tolerances.”

Nicole McLaughlin’s practice focuses on environmental law and complex commercial litigation. Nicole advises and represents clients throughout the country in a wide array of cases including environmental, breach of contract, franchise dispute, premises liability, and intellectual property matters.

In her environmental practice, Nicole works on complex, multi-party, federal and state Superfund sites across the county involving claims under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and its state law equivalents. Nicole counsels energy company clients in environmental and franchise matters and business clients on a multitude of issues.

Nicole has substantial experience in all facets of civil actions in state and federal court, from successful challenges to initial pleadings, through discovery, law and motion, mediation, and trial. While she frequently helps resolve disputes in the early stages of litigation, Nicole has successfully obtained plaintiff and defense verdicts at trial on behalf of her clients.

Prior to joining Miller Nash, Nicole was an associate at a California-based law firm in downtown Los Angeles and gained experience in a wide range of litigation matters in the areas of intellectual property, business disputes, premise liability, personal injury, and construction defect. As a law student, Nicole served as an Extern for the Honorable Valerie Baker Fairbank, United States District Court for the Central District of California and was the Chief Note & Comment editor of the Loyola of Los Angeles International and Comparative Law Review.

Nicole serves as partner-in-charge of the firm’s Long Beach, California office.

Professional Activities

- Los Angeles County Bar Association, member
- Women Lawyers Association of Los Angeles, member

Education

J.D., Loyola Law School, 2010

B.A., University of Southern California, cum laude, 2007

Bar Admissions

California, 2010

District of Columbia, 2021

Court Admissions

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California

U.S. Court of Appeals for the Ninth Circuit

Representative Experience

Environmental & Natural Resources

- Assist clients in evaluating environmental liabilities, developing legal and technical strategies for remediating contaminated properties, completing environmental investigations, implementing cleanup actions, pursuing responsible parties and cost recovery claims, and resolving environmental disputes.
- Represents major energy company related to claims for response costs and natural resource damages at the Portland Harbor Superfund Site.
- Provide legal advice to major energy companies related to environmental remediation projects under local and state regulatory agency oversight.

Environmental Litigation

- Litigate against tribal trustee in case related to natural resource damages in the Lower Columbia River.
- Litigated against landowner claiming groundwater contamination originating from client's former gasoline service station.
- Obtained summary judgment dismissing client from CERCLA Section 113 contribution claim by establishing that cross-claimant failed to extinguish clients' potential liability as required by section 4(b) of the Uniform Comparative Fault Act.

Business Litigation

- Obtained summary judgment awarding client more than \$1.4 million in damages in addition to court-ordered fees, costs, and sanctions of more than \$100,000, in breach of contract and de-branding dispute against former gasoline station franchisee and business interference claims against unauthorized assignee.
- Represented solar energy company in arbitration related to breach of solar power purchase agreement resulting from purchaser's failure to provide senior property rights for solar power system as required by agreement.
- Represented oil companies in litigation alleging violation of the Petroleum Marketing Practices Act (PMPA) for termination of franchise agreement with franchisees.
- Represented petroleum wholesaler in PMPA dispute and "bona fide offer" issues involving more than 100 dealer plaintiffs.
- Obtained jury trial verdict for damages, plus court ordered fees, costs and sanctions, on behalf of a Colorado-based oil and gas company in breach of contract lawsuit for failed company acquisition due to breach of confidentiality agreement.
- Secured numerous permanent injunctions across the United States against trademark infringers misappropriating the name or likeness of a highly regarded restaurant enterprise.

Publications

- "Jurisdictional Creep: NPDES Permitting for Indirect Point Source Discharges," Miller Nash Graham & Dunn (Sept. 2018)
- "Buzz Kill: Coffee Companies Roasted by Court Over Warning Labels," Miller Nash Graham & Dunn, *From the Ground Up* (Apr. 2018)
- "Spectrum of Defamation of Religion Laws and the Possibility of a Universal International Standard," 32 LOY. L.A. INT'L & COMP. L. REV. 395, author (June 2010)
- "The Wrong Message in the Text: A Critical Analysis of California's Senate Bill 28's Failure to Communicate the Dangers of Text Messaging While Driving," CRIM. L. J., author (Fall 2010/Winter 2011)

Presentations

- "Understanding Business Entities and Personal Guaranties," Western Region Building Materials Credit Association, co-speaker (Feb. 2019)