



STACEY P. NAKASIAN, PARTNER

OVERVIEW

Stacey Nakasian has over thirty years' experience litigating complex commercial issues and leads the firm's litigation practice. She is known for her proactive and tenacious approach that both achieves results and advances her clients' needs and goals.

She continues to be at the forefront of business interruption insurance disputes resulting from COVID-19 shutdowns, and was featured in a Rhode Island Lawyers Weekly article on "Force Majeure" in 2020.

In June 2021, she provided in-depth commentary for Rhode Island Lawyers Weekly regarding a recent Superior Court ruling in what may be Rhode Island's first ruling in a business interruption insurance coverage.

Among her recent matters, she successfully defended a condominium developer in a case that clarified how real estate deeds and condominium documents are interpreted under Rhode Island law. The July 2020 decision was covered in *Rhode Island Lawyers Weekly*.

Adept at crafting litigation strategies tailored to her clients' business objectives, Stacey has prevailed in a wide range of cases including director and officer liability claims and shareholder disputes, construction litigation, fiduciary liability cases, intellectual property lawsuits and non-compete claims, and insurance coverage disputes.

Stacey is certified as an arbitrator by the American Arbitration Association and was noted in *Rhode Island Monthly's* Professional Excellence in the Law 2021 for the practice area of Arbitration and Mediation.

She was recognized by *Best Lawyers* in 2019 and 2015 as Lawyer-of-the-Year for **Trusts and Estates Litigation** in the Providence metro region. She was previously recognized as Lawyer-of-the-Year for **Intellectual Property Litigation**. She continues to be honored as a Best Lawyer by *US News & World Report* and by *Chambers USA: America's Leading Guide for Business* for the categories of **commercial litigation, trusts and estates, IP, shareholder disputes, securities and insurance coverage disputes**.

EXPERIENCE

Stacey prosecutes and defends cases before Federal and State courts across the country, as well as in private arbitration settings. She has tried numerous cases to a jury, regularly appears in court to present or defend issues before judges, and has argued many appeals.

- Secured summary judgment in favor of a condominium developer defending a claim by the condominium association regarding the exact property submitted to the condominium. In affirming the developer's ownership of the disputed tract, the Court clarified how real estate deeds and condominium documents are interpreted under Rhode Island law.
- When a business owner refused to pay a D&S client for construction of a warehouse claiming the warehouse had construction defects, Stacey overcame the allegations and secured an arbitration award for the general contractor for the full amount due
- Secured judgment in favor of a client, the developer of a residential condominium, striking down claims by the condominium association that a parking lot owned by the developer should be declared part of the condominium
- Obtained a FINRA arbitration award in favor of an elderly client against the client's former broker, his supervisor and their brokerage firm by proving that the client suffered portfolio losses resulting from unsuitable investment recommendations
- Successfully defended trustees against fiduciary claims and obtained an award of both executor and trustee compensation after an 11-day trial in Superior Court
- Secured a \$268,000 award in an action against an investment advisor, the advisor's supervisor and the investment firm in a six-day arbitration, building the case that the brokers and firm had violated various securities regulations and common law duties by recommending and purchasing unsuitable investments
- Won a \$438,000 award, including punitive damages, in an arbitration against brokers and brokerage firms on claims for churning and failure to supervise
- Secured a \$1.2 million judgment, including attorneys' fees and punitive damages, in a trade secrets case tried to a jury on behalf of a manufacturer against its former employee and competitor
- Represented the Small Business Association in a complex federal receivership case in which the receivership estate's former managers asserted a substantial claim against the estate's assets; Stacey succeeded in getting the claim withdrawn, thus preserving the estate's assets for the other creditors

CONTACT

snakasian@duffysweeney.com
401.457.1828

EDUCATION

University of Virginia
(B.A., *cum laude*, 1984)

The George Washington
University Law School
(J.D., 1990, Order of the Coif)

PRACTICE AREAS

Litigation

Fiduciary & Trusts Litigation

Intellectual Property &
Technology Law Litigation

Insurance Coverage Litigation

Real Estate Litigation

Shareholder Disputes

BAR & COURT ADMISSIONS

Rhode Island (1993)

First Circuit Court of Appeals

United States Supreme Court
(2010)



321 South Main Street
Suite 400
Providence, RI 02903
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Fax. 401.455.0701

STACEY P. NAKASIAN, PARTNER continued

- On behalf of beneficiaries of \$500 million trust, Stacey led the briefing and argument that resulted in a court order allowing early termination of the trust and distribution of trust assets. The case made new law in RI regarding the circumstances under which a Court can deviate from the terms of a trust at the request of the trust's beneficiaries
- In a trade secret and unfair competition case in California Superior Court against one of the nation's largest video publishing companies and its wholly-owned video game developer, Stacey obtained an injunction requiring the developer to turn over work product it was withholding
- Stacey succeeded in proving that a Superintendent of Schools knowingly violated the Rhode Island Open Meetings Act. Based on the evidence Stacy presented, the Court ordered the school committee to pay a civil penalty and Stacey's client's legal fees

Stacey served as law clerk to the Solicitor General of the United States and to the Honorable George H. Revercomb of the United States District Court for the District of Columbia.

RECOGNITION

Stacey Nakasian is noted for her work defending commercial clients in a wide variety of claims relating to insurance coverage, shareholder disputes, IP and others. One interviewee says: "She is basically everything you want in an attorney — very smart, professional." | Chambers USA: America's Leading Guide for Business 2020

Stacey Nakasian is recognized for her work in shareholder disputes, fiduciary and trusts cases, and IP and technology law litigation. One interviewee attests that she is "incredibly talented, knowledgeable, strategic and perhaps the best-prepared counsel I have ever engaged." | Chambers USA: America's Leading Guide for Business 2019

Sources praise her "exceptional technical knowledge," describing her as "levelheaded, patient and thorough" and "a strong and relentless litigator." | Chambers USA: America's Leading Guide for Business 2018

"Working with Stacey Nakasian at D&S on my only arbitration ever was an amazing experience. We won a full award and our team was clearly superior to our competition. It felt good to have the best attorney in the room!" | Matt Sluter, New England Construction

"I was fortunate to have found Stacey Nakasian at D&S last year and she took over my case. Prior to working with Stacey, I was certainly losing an uphill battle and was also completely deflated with the legal system and processes. She managed to fight tooth-and-nail through mediation to deliver an outcome that I was not only comfortable with but also relieved to reach. Both Stacey and her team at D&S were understanding, efficient, communicative and provided me with the confidence that the fate of my lawsuit was in the best of hands. I couldn't be more grateful for the work that Stacey did, that confidence that she conveyed and the effectiveness of her approach. I would highly recommend her to anyone." | Anonymous

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Stacey Nakasian was named the 2014 "Industry Leader for Professional Services" in the *Providence Business News* Business Women Awards program.

She was part of the Top 50 Female New England *Super Lawyers* for 2013 and has been included in *Super Lawyers* since 2010, recognized in the categories of **business litigation, IP litigation, and estate & trust litigation**.



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STACY P. NAKASIAN, *PARTNER* continued

COMMUNITY

Professional & Community Involvement

Stacey serves as a member of the board of trustees for the Greater Providence Chamber of Commerce and a former member of the board of the Women & Infants Foundation.

Stacey serves as Chair of the Board of Admissions & Education of the United States Federal District Court for the District of Rhode Island. She is a past president and serves on the Board of the Federal Bar Association, RI Chapter. She is the former chair of the Local Rules Committee of the US District Court for the District of Rhode Island.

PRESENTATIONS & PUBLICATIONS

Stacey Nakasian co-authored a guest article entitled "**Workshare is Option for Businesses in Crisis**" for *Providence Business News* in April 2020.

Stacey was featured in a March 2020 *Rhode Island Lawyers Weekly* article on "force majeure" entitled **Pandemic prompts urgent review of overlooked contractual clause**.

Stacey Nakasian was recently part of a panel for **Rhode Island Professional Day** which focused on **Partnering with a Corporate Fiduciary**. The panel took a deep dive into why and when to consider the appointment of a corporate fiduciary (bank or trust company) as trustee. (May 2019) "**The Check Fraud Pandemic**" by Stacey Nakasian in *Providence Business News* (March 2018). Check fraud is on the rise and poses a real threat to local businesses. "**Plain Language guides ruling in removal of trustee without cause**" was the title of a February 2018 *Rhode Island Lawyers Weekly* front-page article concerning a trust case decided by the Rhode Island Superior Court. Stacey Nakasian successfully represented two trustees who removed their co-trustee, without cause, pursuant to a provision in the trust document. "**Early Termination (and Modification) of Trusts**" – Webinar sponsored by Lorman Education Service and presented by Stacey Nakasian in August 2017. "**Protecting Trade Secrets**" by Stacey Nakasian in *Providence Business News* (February 2017). Successful businesses secure patents for their inventions, trademarks for their brand designations and copyrights for their original works, but they sometimes overlook a fourth category of intellectual property: trade secrets. "**Internet advertising isn't sufficient for personal jurisdiction**" was the title of a January 2017 *Rhode Island Lawyers Weekly* article where Stacey Nakasian commented on how the D&S team succeeded in getting a lawsuit transferred to a client's home jurisdiction. "**Non-Competes in a High-Tech World**" – Legal Tech Seminar Series with Tech Collective. "**Cutting Edge Topics in IP Law**" – Rhode Island Bar Association Annual Meeting, 2014.

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