



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.

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.

She continues to be a resource for business interruption insurance disputes resulting from COVID-19 shutdowns.

Stacey is certified as an arbitrator by both the American Arbitration Association and by the Financial Industry Regulatory Authority (FINRA). She was noted in *Rhode Island Monthly's* Professional Excellence in the Law 2021 and 2022 for the practice area of Arbitration and Mediation.

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.

CONSTRUCTION & REAL ESTATE

- In a dispute involving a general contractor's termination of a subcontractor, Stacey successfully defended the general contractor and prosecuted her client's claim for its costs to repair and complete the subcontractor's work. After a five-day arbitration, a net award was issued in favor of her client which included an award of attorneys' fees. Stacey also prevailed in having the award affirmed after the subcontractor appealed to the Rhode Island Superior Court.

"We will ONLY litigate with Stacey (Nakasian) and Mike (Sweeney) with Duffy & Sweeney. Stacey is the best, hands down. They listen and push back on us to make sure we truly understand the likely outcomes before we spend a lot of time, energy and money. They ALWAYS out-prepare the competition and it's not even close." | Matt Sluter, New England Construction

- 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

BROKER-DEALER LITIGATION

- In a five-day FINRA arbitration, Stacey succeeded in proving that an investment advisor, his supervisor and firm were liable for losses resulting from the advisor's unsuitable investment recommendations to her clients. The FINRA arbitration panel awarded Stacey's clients \$347,000, including punitive damages

"Stacey Nakasian's representation of our case was superb. Stacey's facility with all aspects of the case allowed her to effectively articulate our claim with precision. It was important for us to be represented by counsel demonstrating a high degree of integrity, organization and intelligence. Stacey Nakasian and the entire Duffy & Sweeney support staff are consummate legal professionals." | R. Danho

- 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

FIDUCIARY & TRUST LITIGATION

- Stacey succeeded in obtaining a Court order removing the trustees of a trust based on conflicts of interest. Stacey and Nicole also successfully argued that the successor trustee named in the trust shared the same conflict. The Court removed the successor trustee and approved the appointment of an independent trustee to administer the trust for the benefit of the firm's client.
- Successfully defended trustees against fiduciary claims and obtained an award of both executor and trustee compensation after an 11-day trial in Superior Court

CONTACT

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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 & Land Use

Shareholder Disputes

Construction Law

Arbitration & Mediation

BAR & COURT ADMISSIONS

Rhode Island (1993)

First Circuit Court of Appeals

United States Supreme Court
(2010)



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STACY 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

INTELLECTUAL PROPERTY LITIGATION

- 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
- 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

RECEIVERSHIP LITIGATION

- 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
- When their client's business partner attempted to disavow their client's 50% ownership in the business, Stacey and associate Stephanie Friedel successfully established their client's ownership interest, secured the appointment of a temporary receiver and, ultimately, their client was able to buy-out her partner in a Court-supervised auction.

OTHER LITIGATION

- Stacey succeeded in proving that a Superintendent of Schools knowingly violated the Rhode Island Open Meetings Act. Based on the evidence Stacey presented, the Court ordered the school committee to pay a civil penalty and Stacey's client's legal fees

RECOGNITION

She has been recognized as **Lawyer-of-the-Year** in the Providence metro region by *Best Lawyers* five (5) times: in 2023, 2019 and 2015 as Lawyer-of-the-Year for **Trusts and Estates Litigation**, and in 2022 and 2013 for the practice area of **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** as well as **banking and finance, trusts and estates, IP, shareholder disputes**, and **securities litigation** plus **insurance coverage disputes**.

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

In 2021 and 2022, Stacey was noted for Excellence in Law by Rhode Island Monthly in the practice area of Arbitration & Mediation. She is certified as an arbitrator by both the American Arbitration Association and the Financial Industry Regulatory Authority.

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

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BUSINESS LAW & LITIGATION

STACEY P. NAKASIAN, *PARTNER* continued

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**.



COMMUNITY

Professional & Community Involvement

Stacey serves as a member of the board of trustees for the Greater Providence Chamber of Commerce. She is a former member of the board of the Women & Infants Foundation, HopeHealth, Festival Ballet of Rhode Island and Rhode Island Legal Services.

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

PRESENTATIONS & PUBLICATIONS

My Blog Posts

- Congratulations to D&S Attorneys Named Super Lawyers & Rising Stars 2022
- SCOTUS on Arbitration Rights: Use It or Lose It
- From RILW: Stacey Nakasian & Stephanie Friedel Defeat Effort To Disqualify Client's Counsel
- Congratulations to Super Lawyers & Super Lawyers Rising Stars 2021
- From RI Lawyers Weekly: Bob Duffy & Stacey Nakasian Prevail in Trust Dispute Re Attorneys' Fees
- Stacey Nakasian Offers Commentary for RI Lawyers Weekly in Business Interruption Insurance Dispute
- From RI Lawyers Weekly: Stacey Nakasian Successfully Defends Condo Law Case in RI
- From PBN: WorkShare for Business in Crisis by Stacey Nakasian & Jared Sugerman
- Coronavirus FAQs For Employers: Workshare
- Coronavirus FAQs For Employers: Force Majeure Contract Provisions

Stacey Nakasian was 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.

"**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.

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