

Nicole R. Topper | Partner  
Litigation

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## CHAIR, FLORIDA OFFICES

Nicole Topper concentrates her practice on various litigation matters, including commercial litigation, consumer finance, real estate, construction defect, and civil tort litigation. Nicole has gained significant success working with other attorneys and firms in high-stakes commercial disputes and other litigation involving partnership disputes, landowner disputes, contract disputes, and more. She has helped secure millions of dollars in settlements and verdicts for her clients, and she enjoys gaining exposure to many different industries and legal areas. Nicole has extensive experience handling all phases of litigation, from initial investigation through trial and appeal.

Nicole's background in commercial law gives her the perspective to effectively advise business, banking, and real estate clients about when to pursue traditional litigation and when to choose more affordable methods of alternative dispute resolution. Nicole is experienced with motion practice, oral argument, discovery, mediation, and trial practice. Nicole's skills include broad and practical knowledge of numerous substantive areas of law, familiarity with appellate practice, excellent interpersonal skills, and superior oral advocacy skills.

In addition to her law practice, Nicole has also been a frequent speaker at various Continuing Legal Education seminars and webinars. Nicole has been honored for her hard work and professionalism with pro bono work.

In addition to Florida State and Federal courts within the Eleventh, Fifteenth, and Seventeenth Circuits, Nicole is admitted to practice in the United States Court of Appeals for the Eleventh Circuit, the District of Columbia, Maryland, U.S. District

Court - Middle District of Florida, U.S. District Court - Northern District of Florida, U.S. District Court - Southern District of Florida, and United States Court of Appeals for the Federal Circuit

## **COMMERCIAL LITIGATION**

Nicole represents various commercial litigation matters inclusive of breach of contract, partnership/joint venture disputes, class actions, business torts, breach of fiduciary duty allegations, real estate disputes, landlord-tenant matters, general liability issues, eminent domain, fraud, and third-party claims.

## **CONSUMER FINANCE**

Nicole routinely handles a wide variety of claims and compliance issues relating to residential mortgage loan interests; debt collection; creditors' rights; and servicing issues, including securitization and standing; claims of wrongful foreclosure; and violations of TILA, RESPA, FCRA, FDCPA, FCCPA, and related federal and state consumer protection laws and regulation. Nicole represents and counsels residential mortgage loan servicers, lenders, payment processors, and other financial institutions throughout the discovery and trial process.

## **CIVIL LITIGATION**

Nicole provides legal counseling in the areas of civil tort litigation inclusive of insurance defense, first-party claims and coverage, bad faith, security negligence, premises and property liability, automobile, and trucking. Nicole has also represented condominium and homeowners associations in litigation matters and insurance coverage.

## **CONSTRUCTION LITIGATION**

Nicole also has extensive experience relating to multimillion-dollar construction defect litigation representing developers, homeowners, and condominium associations. Nicole also devotes her practice to the representation of developers, contractors, and subcontractors in construction defect claims.

## **APPELLATE LAW**

Nicole is highly experienced handling the process of appealing lower tribunal decisions. Nicole is well versed in research and analyzing case law, drafting persuasive briefs, and appellate documents. Nicole is an advocate in appellate courts before appellate judges, and is adept at framing issues at trial and in preserving the record for appeal.

## **Select Engagements**

Representation of a wide array of financial services companies in state and federal litigation, litigation involving homeowners' association lien priority, and

investigations conducted by regulatory agencies and state attorney general.

Representation of major institutional lenders, in foreclosures and other actions to enforce rights under real property.

Insurance defense, first/third party claims and coverage, security negligence, premises and property liability, automobile and trucking claims.

Construction litigation including construction contracts and bonds, construction liens, claims of construction defects.

Representation of litigated appellate matters in the 2nd, 3rd, 4th, and 5th DCA of Florida.

## **Admissions**

- United States Court of Appeals for the Eleventh Circuit
- District of Columbia
- Florida
- Maryland
- U.S. District Court - Middle District of Florida
- U.S. District Court - Northern District of Florida
- U.S. District Court - Southern District of Florida
- United States Court of Appeals for the Federal Circuit

## **Memberships**

- District of Columbia Bar Association
- Florida Bar Association
- Maryland Bar Association
- Palm Beach County Bar Association

## **Education**

- Florida Atlantic University, BA
- Nova Southeastern University, Shepard Broad Law Center, JD

## **Professional Activities**

Nicole has been recognized by the Mission United Veterans Project for her consistent work as a pro bono advocate. Nicole provides access to justice for the most vulnerable members of the community. The Mission United Veterans Pro Bono Project was created in 2012 in collaboration with the United Way of Broward County.

Nicole is a frequent speaker at Continuing Legal Education seminars and webinars. Nicole is a former chair of the Florida Bar Grievance Committee "D", and former

director for the West Boca Chamber of Commerce. Nicole handles several asylum matters involving persons from various countries. She is also involved with the Broward Legal Aid and Mission United Veterans Pro Bono Legal Project. Nicole has been a guest lecturer for Florida Association of Women Lawyers (“FAWL”).