

## ATTORNEY

Nick R.  
Herrick

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As a member of the firm's Litigation Section, Nick represents individuals, small businesses, as well as public and private corporate clients in a wide range of commercial disputes and risk avoidance. Nick focuses his practice on construction, real estate, and development disputes.

In his construction practice, Nick works with owners, developers, general contractors, design professionals, and trade contractors in refining contract documents and best practices, contract disputes, delay claims, lien and bond claims, and construction defect claims.

Nick also counsels clients on matters stemming from commercial property acquisition, development, ownership, and tenancy, including purchase and sale disputes, lease disputes, tenant improvements, easement conflicts, and more.

In his spare time, you can find Nick on his road or mountain bike, in his shop refining his amateur woodworking skills, or exploring the great Colorado outdoors with his wife Karli and their Vizsla, Remi.

## AREAS OF CONCENTRATION

Commercial Litigation  
Construction  
Employment  
Insurance

## EDUCATION

University of Colorado, J.D.,  
Colorado Technology Law  
Journal, Associate Editor  
University of Iowa, B.B.A.

## CREDENTIALS

Best Lawyers® Ones to  
Watch: Commercial Litigation,  
Construction Law, 2023;  
Litigation - Construction,  
and Litigation - Labor and  
Employment, 2023 - 2024;  
Labor and Employment Law -  
Management, 2024

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## REPRESENTATIVE MATTERS

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- Succeeded on a motion for summary judgment on claims of professional negligence and breach of contract stemming from the alleged failure to procure adequate insurance.
- Obtained summary judgment on a matter of first impression relating to individual rights to access public utility easements for placement of private utility line tie-ins.
- Obtained favorable dismissal of restaurant group client in a collective action brought under the Fair Labor Standards Act involving approximately 5,000 putative plaintiff collective members.
- Obtained outright dismissal of negligence and premises liability claims on behalf of Owners' Association as a discovery sanction.
- Prevailed on a motion to dismiss claims of negligence stemming from alleged construction defects and maintenance failures giving rise to a catastrophic water loss.
- Obtained full defense and liability exposure indemnification under contractual additional insured obligations in several multi-million-dollar construction defect matters.
- Negotiated voluntary dismissal of national trucking client in litigation stemming from fatal pileup of 11 semi tractors and trailers.
- Represented multinational construction, property, and infrastructure company in sealed Federal Court litigation involving claims of construction and product defects in a government facility requiring Secret security clearance.
- Secured many determinations of "no probable cause to believe a violation occurred" by the Equal Employment Opportunity Commission and Colorado Civil Rights Division in matters of alleged employment discrimination and retaliation.
- Orchestrate internal investigations of past and present employees in assisting employers with making for-cause dismissals while avoiding allegations of wrongful termination.
- Obtained defense verdict on behalf of national residential builder in arbitration before the Colorado Association of Realtors.

## PUBLICATIONS & ARTICLES

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- Author  
"COVID-19 and Business Interruption Insurance – One Year Later, Ambiguity Remains"  
*InsuranceNewsNet*, March 2021

Colorado Super Lawyers Rising  
Star: Business Litigation,  
2022 - 2024

## AFFILIATIONS

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American Bar Association  
Colorado Bar Association,  
Construction Section,  
Executive Council  
Denver Bar Association

## ADMITTED

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Colorado  
Wyoming