

## Nicole Gerritsen McDonough



Associate

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201.498.8528

### Hackensack, NJ

#### Practice Areas

Commercial Litigation

Intellectual Property

Family Law

E-Discovery & Document Management  
Solutions

#### Admitted

New Jersey

New York

Southern District of New York

United States Supreme Court

#### Education

Seton Hall University School of Law, Juris

Doctor, Dean Scholar

Northeastern University, B.A., *summa cum laude*

Nicole G. McDonough has a diverse complex litigation practice, which includes commercial, real estate, intellectual property, family law, and estate and trust matters. Nicole represents companies and businesses in a broad range of industries, and individuals in all stages of the litigation process in state, federal, appellate, and bankruptcy courts in New Jersey and New York.

Nicole has extensive experience representing clients in complex litigation matters, including, but not limited to, contract claims; real estate disputes; corporate governance; LLC, shareholder, and partnership disputes; dissolution, stock purchase, and buyout matters; business tort claims; spoliation, litigation holds, and eDiscovery issues; insurance disputes; fraud arising from the sale or purchase of a business; and distributor, vendor, and business-to-business disputes.

Nicole also has broad knowledge of and significant experience with prosecuting and defending emergency actions before the Chancery courts in New Jersey, seeking emergent relief on behalf of her clients to protect their interests. Such actions include those necessary to protect confidential and proprietary business information and customer relationships; restrictive covenants, non-competition, and non-solicitation agreements; and pre-emptive remedies such as freezing orders, replevin actions, and related proceedings. Nicole represents clients in these emergent matters, from initial investigation through resolution.

A significant portion of Nicole's practice is focused on intellectual property disputes related to trademark and copyright infringement; misappropriation of trade secrets; unfair competition; unlawful business practices; antitrust claims; defamation; and rights of publicity.

Representing both institutions and individuals, Nicole's practice also includes assisting clients in estate and trust litigation involving probate matters; estates, trusts, and fiduciaries.

Additionally, Nicole represents individuals in family law matters. Acting on behalf of her clients, she provides litigation services and assistance in matters pertaining to divorce, child custody disputes, child support issues, property division, alimony, spousal support, and domestic violence.

As a member of Archer's practice group dedicated to eDiscovery litigation and document management practices, Nicole has extensive experience managing electronic discovery in complex state and federal matters. She effectively and efficiently implements solutions concerning general

document management focused on the individual business needs of her clients. She guides clients through problems and disputes affecting their business or personal matters, providing assistance that includes data preservation, data collection and storage, electronic and hardcopy document review and production, and assistance with and management of internal investigations, third party subpoenas, and civil litigation.

Nicole earned her J.D. from Seton Hall University School of Law, where she was honored as a Dean Scholar. While in law school, Nicole served as a judicial intern to the Honorable William J. Martini, United States District Judge for the District of New Jersey. Nicole was also a member of Seton Hall's Interscholastic Moot Court Board, where she received advocacy and writing honors in multiple national competitions. She enjoys giving back to students interested in the legal profession by serving as the Bergen County Coordinator for the Vincent J. Apruzzese High School Mock Trial Competition.

### **Representative Experience**

- Obtained summary judgment to remove holdover commercial tenant from valuable SoHo retail premises, which decision was affirmed on appeal.
- Successfully resolved a trademark and trade dress infringement matter related to client's creation and marketing of their relaxation beverage.
- Obtained summary judgment in favor of client in case involving a business competitor's tortious interference and conspiracy claims, which were brought following client's desired relocation of its automotive business.
- On behalf of a designer furniture manufacturer, successfully prosecuted trademark infringement claim asserting violations of the Lanham Act and Anticybersquatting Consumer Protection Act.
- Successfully reinstated client's Family Part complaint after improper dismissal and violation of due process rights *In re Adoption of Child ex rel. M.E.B.*, 444 N.J. Super. 83 (App. Div. 2016).

### **Professional and Community Involvement**

- Trustee, Bergen County Bar Association
- Past President, Young Lawyers Division, Bergen County Bar Association
- Member, New Jersey State Bar Association
- Member, New Jersey Women Lawyers Association
- Chair of Sponsorship, Women Lawyers in Bergen
- County Coordinator, Vincent J. Apruzzese High School Mock Trial Competition, New Jersey State Bar Foundation

### **Awards and Recognition**

- Named to New Jersey Super Lawyers list as a "Rising Star" for Business Litigation (2014-2021)
- Top Lawyer, Bergen Magazine (2018)

## Articles and Presentations

- [Celebrities Turn to Trademark Law for Brand Protection](#), New Jersey Law Journal (April 2015)
- *Ask A Lawyer: What do Employers Need to Know About the Upheld Health Care Law?* The Record (August 2012)
- [Ask A Lawyer: A Trademark Is Protection - Use It](#), The Record (November 2009)
- *Ask a Lawyer: Is a Handshake Deal Enforceable?* The Bergen Record (January 2009)
- Marketing and Ethics in Your Practice, NJSBA Annual Meeting and Convention, Atlantic City, NJ (May 2018)
- Intellectual Property 101 – Uncovering Your IP Assets: IP Webinar, Hackensack, NJ (September 2016)
- Fundamentals of Intellectual Property, New Jersey Law Center (June 2012)