



Nicole B. Weinstein

Principal

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Nicole helps clients minimize and eliminate liability for contaminated sites in litigation, and to recover insurance proceeds across industries.

Nicole's practice focuses on insurance recovery and environmental litigation. She excels at identifying avenues of defense and coverage, and in distilling complicated issues into understandable terms.

Nicole has been interested in environmental matters for as long as she can remember, and has always enjoyed thinking through complex challenges. She planned to become an environmental lawyer as a student, and after practicing insurance coverage to begin her career, Nicole decided to focus her practice on both environmental contamination and insurance coverage. Nicole's practice at Beveridge & Diamond is the ideal place for her to tackle evolving challenges in these dynamic fields.

Nicole is the co-chair for the firm's Insurance Coverage practice group and Superfund, Site Remediation, Natural Resource Damages practice group. She also serves as co-chair of the Emerging Issues Subcommittee of the American Bar Association's Section of Litigation Insurance Coverage Litigation Committee and is an Adjunct Associate Professor for the School of Professional Studies at the City University of New York, where she teaches a Business Law II course for undergraduate students in the Business program.

Education

- University of California - Berkeley (B.S.)
 - Environmental Science
- Wake Forest University (J.D.)
- Pace University (LL.M.)
 - Environmental Law

Bar Admissions

- District of Columbia
- New Jersey

- New York

Court Admissions

- U.S. Court of Appeals – Tenth Circuit
- U.S. Court of Appeals - Third Circuit
- U.S. District Court - New Jersey
- U.S. District Court – Eastern District of New York
- U.S. District Court – Southern District of New York
- U.S. District Court – Western District of New York

Honors & Awards

- *The Best Lawyers in America*®, a Best Lawyers® publication, recognition in Environmental Litigation (2024)
- *Super Lawyers, part of Thomson Reuters, New York Rising Star* (2014-2019)
- *Super Lawyers, part of Thomson Reuters, New York Super Lawyer* 2022

Nicole Weinstein was selected to Super Lawyers "Rising Star" lists for 2014-2012. The Super Lawyers list is issued by Thomson Reuters. A description of the selection methodology can be found at http://www.superlawyers.com/about/selection_process.html. No aspect of this advertisement has been approved by the Supreme Court of New Jersey

Representative Matters

Projects Nicole has worked on include:

- Defending Fortune 500 and other companies against claims for cost recovery and contribution in multi-million and -billion-dollar Superfund cleanups.
- Working with legal teams litigating, arbitrating, and mediating to successful settlement in coverage disputes, including suits involving general liability, professional liability, umbrella, and excess liability, and Bermuda form policies for industries such as commercial and residential development, electronics, security, and hotels.
- Advising on claims under various other types of policies, including specialty environmental and property policies across multiple industries, such as manufacturing, commercial shipping, nuclear, commercial development, and others.
- Providing successful defense on behalf of a waste management company to protect its agreement with a municipality to operate a landfill against an appeal by residents claiming that proper notice procedures had not been followed.

- Handling product liability cases related to alleged groundwater contamination involving a gasoline additive and assisting with briefing efforts that successfully precluded irrelevant costly discovery.
- Litigating lead contamination cases in New York and New Jersey federal courts, including working with experts on lead sources, pathways, and impacts.
- Counseling on remedial design negotiation and compliance for complex, multi-party sediment sites.
- Advising on natural resource damage claims, including negotiations and litigation with trustees.

Publications

February 13, 2024

2024 Litigation Look Ahead Series: 40 Years of *Chevron* Deference, Administrative Law Precedent Hangs in the Balance

Beveridge & Diamond

September 22, 2023

B&D Lawyers Edit and Author Environment and Climate Change Chapters of *Lexology's 2024 Getting the Deal Through*

Getting the Deal Through

September 11, 2023

Key Developments in Environmental Insurance Coverage: Case Law Update

Insurance Coverage

August 17, 2023

EPA Seeks Comments on Potential Changes to the RCRA Definition of Empty Containers and Standards for Managing Used Containers

Beveridge & Diamond

October 18, 2022

B&D Attorneys Edit and Author the Environment and Climate Change Chapters of *Lexology's 2023 Getting the Deal Through*

Getting The Deal Through

September 2021

B&D Attorneys Edit, Author the Environment and Climate Chapters of *Lexology Getting the Deal Through 2022*

Lexology Getting The Deal Through

July 21, 2021

EPA Headquarters Prods Cleanup Programs on Enforcement to Strengthen EJ

Beveridge & Diamond

June 16, 2021

Oregon Increases Access to Historical Insurance Assets for Cleanup Liabilities

Beveridge & Diamond

January 15, 2021

Supreme Court to Decide Superfund Case with Significant Implications Regarding the Timing of CERCLA Contribution Claims

Beveridge & Diamond

December 4, 2020

Scientific Study Links Tire Preservative Chemical 6PPD to Fish Deaths

Beveridge & Diamond

September 2020

B&D Attorneys Edit, Author the Environment and Climate Change Chapters of *Lexology Getting the Deal Through*

Lexology Getting The Deal Through

September 16, 2019

Superfund Task Force Final Report: A Superset of Recommendations

Beveridge & Diamond

August 27, 2019

Seventh Circuit Affirms 25% Allocation to No-Fault Purchaser in Superfund Litigation

Beveridge & Diamond

July 8, 2019

Who Gets to Decide What an Agency Meant? U.S. Supreme Court Places Limits on Agency Deference

Beveridge & Diamond

September 12, 2018

NJDEP to Allow Capping as Remedial Option for VOCs with Groundwater Pathways

Beveridge & Diamond

April 3, 2018

New York High Court Rules on "Unavailability Exception" to Pro Rata Allocation in Long-Tail Environmental Coverage Case

Beveridge & Diamond

November 27, 2017

Court Finds that Pollution Exclusion Applies to Smelter Lead Particulate Emissions

ABA Section of Litigation

August 25, 2017

Washington Supreme Court Reaffirms that Pollution Exclusions Do Not Bar Insurance Coverage Where Negligence Is the Primary Cause of a Loss

Beveridge & Diamond

July 28, 2017

Insurance Policyholders Score Victory on Critical Allocation Issue in Second Circuit Olin Decision

Beveridge & Diamond

April 20, 2017

Lost Insurance Policy? Pursuing Coverage for Long-Tail Environmental Liability Still Feasible

Beveridge & Diamond

February 9, 2017

Second Circuit Offers Policyholders Painful Reminder on Giving Notice of Claims: Don't Wait, Use Correct Addresses, and Be Specific

Beveridge & Diamond

December 3, 2015

Fifth Circuit Affirms Favorable Ruling for Policyholders Deepwater Horizon Insurance Coverage Dispute

Beveridge & Diamond

June 30, 2015

Texas Supreme Court Rules that CERCLA PRP Letters and Enforcement Proceedings Are "Suits" Subject to the Duty to Defend Under Standard CGL Insurance Policies

Beveridge & Diamond

February 17, 2015

Texas Supreme Court Rules Additional-Insured Coverage is Limited by Underlying Indemnification Agreement

Beveridge & Diamond

January 26, 2015

Wisconsin Supreme Court Applies Pollution Exclusion to Well Contaminated with Manure

Beveridge & Diamond