



Nicholas A. Pascale

Partner

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Practice Areas

Litigation - State & Federal

- Appeals
- Business & Commercial Litigation
- Insurance Defense
 - Section 1983 Civil Rights Litigation
 - Municipal Liability Claims
 - School District Liability Claims
 - General Negligence
 - Police Liability Claims
- Personal Injury
- Real Property & Title Claims

Admissions

2003, New York

U.S. District Court, Southern and Northern Districts of New York

United States Court of Appeals, Second Circuit

Education

Colgate University, B.A., *cum laude*, 1999

Emory University School of Law, J.D., 2002

Nicholas A. Pascale is a litigation partner whose practice includes all forms of business and commercial litigation, insurance defense, municipal defense, personal injury, and §1983 civil rights litigation in state and federal courts.

A former Town Justice for the Town of Marlboro, Nick presided over matters involving not only civil lawsuits and small claims actions, but also criminal proceedings and vehicle/traffic cases. He describes this service to his community as an important experience that informed many aspects of how he handles his own litigation today. For example, with an insurance defense practice that has a concentration in defending municipalities, working in local government as a Town Justice gave him a better understanding of his municipal clients in actions involving everything from personal injury and civil rights suits to property damage claims.

Nick's business and commercial litigation practice involves handling business and real estate disputes for individuals and small to mid-size businesses. Whether, however, Nick's client is an insurance carrier, a municipality, an owner of a business, or an individual that has been hurt in an accident, the approach is the same. He strives to be accessible, give full and complete explanations at each stage of a case, and, most importantly, to return calls and emails promptly. Nick's goal is to work closely with clients to help shepherd them through what are often difficult and trying matters.

Professional Affiliations

Legislative Counsel for Majority, Ulster County Legislature

Member, Orange County Bar Association

Nicholas A. Pascale

- Recipient, International Association of Trial Lawyers Award for Excellence in the Study of Trial Advocacy
- Managing Editor, Emory Bankruptcy Developments Law Journal, 2001-2002

Member, New York State Bar Association

Community Activities

Member, Advisory Board, Baseball Miracles

Member, Knights of Columbus, Saint Mary's, Marlboro

Instructor, St. Mary's Religious Education Program

Member, UNICO, Marlboro, New York Chapter

Former Coach, Marlboro Youth Recreational Soccer League

Former Attorney-Coach, Marlboro High School Mock Trial Team

Notable

Former Town Justice, Town of Marlboro, New York

Representative Cases

Brun v. Farningham, 149 AD3d 686 (2d Dept., 2017) – Successfully defended a local Town police officer involved in a motor vehicle accident, and successfully argued before the Appellate Division, Second Department for an order affirming the trial court's dismissal of the plaintiff's complaint.

Mehrhof v. Monroe Woodbury Central School District, 2019 WL 138508 (2d Dept., 2019) – Successfully defended a local School District and Board of Education in breach of contract and economic tort claims asserted by a former School Superintendent, and successfully argued before the Appellate Division, Second Department for an order affirming the trial court's dismissal of the plaintiff's complaint.

Campbell v. Tamsen, 37 A.D.3d 636, 830 N.Y.S.2d 338 (2d Dept., 2007). Obtained reversal in the Appellate Division of trial court's denial of summary judgment on behalf of defendant attorneys in a legal malpractice case.

Ross v. Sherman, 57 A.D.3d 758, 870 N.Y.S.2d 383 (2d Dept., 2008). Obtained summary judgment and represented respondents in an appeal to the Appellate Division resulting in an order affirming the trial court's order granting summary judgment in a commercial dispute over real property.

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Smith v. Newburgh Enlarged City School District (Sup. Ct., Orange County, 2011). Obtained defense verdict from jury in personal injury action against School District.

Alongi v. Town of Bethel (Sup. Ct., Sullivan County, 2013). Successfully obtained summary judgment in personal injury action against Town.

DeGaetano v. Village of Warwick (Sup. Ct., Orange County, 2013). Successfully obtained summary judgment in personal injury action against Village.

Matarese v. Town of Walton (Sup. Ct., Delaware County, 2013). Successfully obtained dismissal of complaint against Town in case involving claimed negligence in the issuance of building permits.

In re Cnty. of Sullivan (Dunne v. Bethel), 111 A.D.3d 1232, 976 N.Y.S.2d 295 (3d Dept., 2013). Successfully obtained summary judgment and then represented respondent municipality in an appeal to the Appellate Division resulting in an order affirming the trial court's order granting summary judgment in a claim arising from the foreclosure of real property tax liens.

Selig v. Town of LaGrange (U.S. Dept. of Housing and Urban Development, 2014). Successfully defended claims of discrimination asserted against defendant Town in proceedings before HUD and the US Department of Justice.

Goodfriend v. Vill. of Jeffersonville, 122 A.D.3d 1184, 998 N.Y.S.2d 237 (3d Dept., 2014) leave to appeal denied, 25 N.Y.3d 901, 30 N.E.3d 164 (2015). Successfully obtained summary judgment and then represented respondent municipality in an appeal to the Appellate Division resulting in an order affirming the trial court's order granting summary judgment in a claim arising from the foreclosure of real property tax liens and successfully opposed appellants motion for leave to appeal to the Court of Appeals.

Abramson v. Gettel, 607 F. App'x 101 (2d Cir., 2015). Successfully obtained dismissal of lawsuit brought pursuant to 42 U.S.C. 1983 involving an equal protection "class of one" claim in the land use context, and then represented the appellee municipality in an appeal to the Second Circuit Court of Appeals resulting in an order affirming the trial court's decision and order.

Howard v. Town of Bethel (Sup. Ct., Sullivan County, 2015). Successfully obtained summary judgment on behalf of defendant municipality in civil action alleging defamation and malicious prosecution.