COSGRAVE
VERGEER KESTER

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Law Practice

Nicole has defended individuals and businesses in a wide variety of complex litigation matters over her 24-year legal career, including trucking and automobile liability, liquor liability, legal malpractice, and hospitality and hotel-related claims. She is a strong advocate for her clients and an experienced and effective trial/arbitration attorney. Nicole is often retained to defend cases which are of a sensitive nature, such as defending businesses in vicarious liability claims involving sexual assaults by employees and agents.

In addition to her tort/casualty litigation practice, she also specializes in insurance coverage matters and routinely counsels and represents insurance companies regarding disputed claims, coverage lawsuits, and the drafting of policy language.

Nicole also serves as an arbitrator in court-annexed arbitration cases for Multnomah and Washington Counties and on underinsured and uninsured motorist arbitration panels.

Nicole began her legal career in Los Angeles working as an associate in a large health care law firm. She defended doctors and hospitals in medical malpractice claims, with a special emphasis in defending birth injury suits.

Tort/Casualty Litigation

- General liability defense
- Premises liability regarding retailers, hospitality, and hotel-related claims

INDUSTRIES

Hospitality

Insurance

Healthcare

Professional Services

Trucking and Motor Carrier

PRACTICE AREAS

Personal Injury & Property Damage Liability

Professional Liability

Arbitration & Mediation

Coverage Opinions & Litigation

- Professional liability regarding real estate agents, real estate agencies, and attorneys
- Agency and vicarious liability matters, with a special emphasis on matters involving sexual assaults
- Common carrier liability
- Catastrophic personal injury matters
- Oregon Landlord Tenant Act

Insurance Law

- Insurance coverage litigation
- Advice and counsel on reservation of rights issues
- Advice and counsel on Medicare issues
- Insurance coverage class actions
- Educators legal liability claims
- EPLI, E&O, and D&O claims
- Personal Injury Protection, Uninsured/Underinsured motorist claims
- Life and health insurance claims
- Environmental claims
- Commercial general liability claims
- Property and fire claims
- Excess coverage disputes
- Draft policy and endorsement language

Representative Cases

Tort Litigation:

- Defended cab company against a passenger's negligence and vicarious liability claims following cab driver's sexual assault on the passenger. After a three-day trial, the jury awarded plaintiff approximately 10% of her

prayer.

- Defended resort owner against a $4 million negligence claim brought by a customer who was shot in the face by a townsperson during a fishing expedition in Mexico. Obtained favorable settlement.
- Defended a transportation company against a $5.25 million vicarious liability claim after a driver ran a red light and struck a pedestrian standing on a corner, causing a degloving injury. Obtained favorable settlement.
- Represented auto dealership in a $5.3 million multi-plaintiff, wrongful death and traumatic brain injury case, following a rollover SUV crash that was allegedly caused by the dealership's negligent installation of improperly sized tires. Successfully resolved case for approximately 6% of total prayer.
- Represented national retailer in products defect case after a customer was severely injured when the glass from a large picture frame fell out and lacerated her foot. Successfully tendered claim to picture frame distributor.
- Defended national retailer against a negligence claim brought by a customer who allegedly sustained severe emotional injuries after finding pornographic images on a computer tablet that she purchased at the retailer's store. Successfully settled matter for nominal amount.

Insurance Coverage Litigation:

- Successfully defended PIP insurer through summary judgment against insured's claim that travel expenses to medical appointments are covered under PIP. The trial court's ruling was recently upheld by the Oregon Supreme Court in *Dowell v. Oregon Mutual*, 361 Or 62 (2017), thereby avoiding a potential class action.
- Defended homeowners insurer against a breach of insurance contract lawsuit following the company's denial of property damage coverage after the insured's domestic partner intentionally set fire to their home. Successfully resolved case.
- Defended life insurer against a breach of contract claim following the denial of death benefits due to the decedent misrepresenting his health history on the policy application. Successfully resolved case for less than half of the death benefit.
- Defended CGL and excess insurer in complex, multi-party, U.S. district court litigation following the roof collapse at a manufacturing plant. Successfully resolved case.
- Prevailed on summary judgement on behalf of UIM insurer where plaintiff – the adult daughter of the named insured who lived in her own house at the time of the accident – alleged that she was an insured under the policy because she was a member of her parents' "household."

Education & Bar Admissions

Nicole received her law degree from Willamette University in 2002. She graduated with her bachelors degree in Political Science & History from Linfield College in 1999.

Nicole is a member of the Oregon State Bar and the California State Bar. She is also admitted to the United States District Court for the District of Oregon, the United States Bankruptcy Court for the Central District of California, and the United States Court of Appeals for the Ninth Circuit.

Professional

- Arbitrator, Multnomah County and Washington County court-annexed arbitrations
- Arbitrator, underinsured and uninsured motorist arbitration panels
- Oregon Association of Defense Counsel, Member
- Multnomah Bar Association, Member
- Oregon Women Lawyers, Member
- ALFA International Insurance Practice Group Steering Committee, Member
- ALFA International Transportation Practice Group Steering Committee, Member
- ALFA International Hospitality & Retail Practice Group Steering Committee, Member

Personal

In addition to spending time with her husband and their two teenage children, Nicole enjoys exercising, reading, watching her kids play sports, and watching her husband coach high school football.

Publications

“Oregon’s Lack of Compulsory Counterclaims”, Client Update, ALFA International, Insurance Practice Group, Property

and Casualty Insurance Sub-Group, Winter 2015

“2015 Oregon Insurance Compendia“, ALFA International Insurance Practice Group Annual Update, June 2015

“Diversity, Inclusion & Equality in the MBA”, Multnomah Lawyer, January 2015

“Leaving Alleged Defamatory Material On The Internet Likely Does Not Trigger Coverage Under Later Insurance Policies”, Client Update, ALFA, International, Insurance Practice Group, Property and Casualty Insurance Sub-Group, May 2014

“Online Defamation: Multiple Coverage – Triggering Events or a Single Publication?”, Feature Article, The Verdict, Oregon Association of Defense Counsel Magazine, Issue 1, 2014

“Eclipsing New Heights: Scaling the Skyscrapers of EPLI, Professional Liability and Insurance Defense”, Course Book Editor, 2014 ALFA International EPLI & Professional Liability Seminar

“Staying Ahead of the Curve: Practical Updates, Guidance, and Strategies for Insurance Professionals”, Course Book Editor, 2013 ALFA International Insurance Law Roundtable

“ALFA International Client Update”, Property and Casualty Sub-Group of Insurance Practice Group

Presentations

“It’s Not Just a Two-Way Street: Shattering Glass Ceilings and Beyond”, Panelist, ALFA International Insurance Law Roundtable, June 15, 2017

“Defending Mild Traumatic Brain Injury Cases”, State Farm Insurance claim professionals, February 9, 2017

“2016 Changes to Oregon UIM and PIP Laws”, Oregon Mutual Insurance Company claim professionals, September 13, 2016

“Loose Lips Sink Ships – Effective Use of Social Media”, Panelist, ALFA International Insurance Law Roundtable, June 12, 2015

“Social Media in Claims Handling and Litigation”, State Farm Insurance claim professionals, June 19, 2014

“Social Media in Claims Handling and Litigation”, Presented to Oregon Mutual Insurance claim professionals, May 15, 2014

“To Defend or Not to Defend? Weighing the Potential Consequences of Not Defending Your Insured”, Presenter, ALFA International Insurance Law Practice Group Tele-Seminar, February 19, 2013

Awards

The Best Lawyers in America®, Personal Injury Litigation – Defendants (2026–2027)

Oregon Super Lawyers, *Super Lawyers* (2026)