



Nicholas J. Laybourn
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PRACTICE AREAS

Appellate
Arbitration & Mediation
Business Litigation
Employment
Insurance Coverage & Defense
Litigation
Logistics
Product Liability
Real Estate Litigation
Transportation
Transportation & Logistics
Zoning / Land Use

INDUSTRIES

Banking & Finance
Hospitality & Retail
Logistics & Supply Chain
Manufacturing
Real Estate

LICENSED IN

Georgia

EDUCATION

Mercer University Walter F. George
School of Law: J.D., 2005

EXPERIENCE

Nick Laybourn is an experienced trial and appellate lawyer who has successfully represented businesses and individuals in Georgia's state and federal courts. Nick's clients include local, regional, and national companies involved in disputes throughout the state of Georgia.

Nick has experience in a variety of litigation-based practice areas including personal injury defense, business litigation, real estate and construction litigation, trucking litigation, and toxic tort/products liability defense. Nick also routinely represents property owners in condemnation actions.

Nick serves as outside general counsel to several small and mid-sized corporations. In this role, he routinely provides risk management counsel to help clients avoid future litigation that may arise out of the day-to-day business decisions a company makes. Nick advises clients on a variety of transactional matters, proposed terms and conditions upon which a business may be bound in its operations, employment matters, as well as an array of other issues that arise in the course of doing business. Nick's diverse litigation experience provides the background upon which he can assist the client in avoiding expensive and time-consuming litigation.

Nick is admitted to practice in the U.S. District Courts for the Southern and Middle Districts of Georgia, the Eleventh Circuit Court of Appeals, Georgia's trial courts, the Georgia Court of Appeals, and the Georgia Supreme Court.

Nick graduated from Clemson University in 2001 with a B.S. in Marketing. In 2005, he earned his J.D. from Mercer University's Walter F. George School of Law.

REPRESENTATIVE ENGAGEMENTS

- *Lindley v. Federal Deposit Insurance Corporation, et al.*, 733 F.3d 1043 (11th Cir. 2013): On an issue of first impression, the Eleventh Circuit reversed the district court's order dismissing non-FDIC defendants, holding that the district court maintains original jurisdiction over claims against non-FDIC defendants even if the FDIC is later dismissed from the case.
- *D.J. Powers Company, Inc. v. Peachtree Playthings, Inc.*, 348 Ga.App. 248 (2018): Obtained a reversal of trial court's denial of motion for summary judgment on behalf of a customs broker in a commercial dispute.
- *Alford v. Ducloux, et al.*: Obtained a defense verdict in a wrongful death medical malpractice action filed against two physicians.

Clemson University: B.S., Marketing, 2001

AFFILIATIONS

State Bar of Georgia

Georgia Defense Lawyers Association

Defense Research Institute

Savannah Bar Association

COMMUNITY WORK

The Savannah Golf Club: Board of Managers Executive Committee

America's Second Harvest of Coastal Georgia: Board of Directors, Past Member

Hancock Day School: Board of Trustees, Past Chairman

Leadership Savannah: Class of 2013

Coastal Center for Developmental Services, Inc.: Board of Directors, Past Member

Executive Association of Savannah: Past Member

RECOGNITION

Best Lawyers in America: Construction Litigation, Commercial Litigation; 2021-2026

Georgia Super Lawyers Rising Star: Business Litigation, 2010 & 2014-2018

Martindale-Hubbell: AV Rated

- ***Delettre v. Memorial Health University Medical Center:*** Obtained a defense ruling in a medical malpractice arbitration.
- ***Coastal Retail Management, LLC v. K.C. Petroleum, Inc., et al.:*** Obtained a verdict of approximately 15% of the plaintiff's final pre-trial demand on behalf of an underground storage tank installer. Plaintiff appealed the verdict and the Georgia Court of Appeals affirmed in an unreported decision.
- ***McCumber v. Petroleum Services Group, LLC,*** 333 Ga.App. 459 (2015): Obtained summary judgment on behalf of an underground storage tank installer in a case alleging negligence and fraud against the installer. Summary judgment was affirmed on appeal to the Georgia Court of Appeals.
- ***Uhlig v. Drayprop, Osborne v. Drayprop, Lokey v. Drayprop:*** Obtained summary judgment for real estate developer in a series of lawsuits filed by investors in a large condominium redevelopment. Summary judgment was affirmed on appeal to the Eleventh Circuit in all cases.
- ***Croy v. Stafford:*** Obtained summary judgment on behalf of LLC member in dispute over ownership interest in the company. Summary judgment was affirmed by the Georgia Court of Appeals in an unreported decision.
- ***Stafford v. Land Pros Southeast, LLC:*** Obtained summary judgment on behalf of real estate development company in a commercial dispute with former partner. Summary judgment was affirmed by the Georgia Court of Appeals in an unreported decision.
- Obtained a dismissal of all claims against the owner of a former gas station property without payment to the plaintiff in a dispute involving leaking underground storage tanks.
- Won a motion to dismiss all claims filed against a landscaping contractor in a commercial dispute.
- Successful representation of aggregate supplier in numerous commercial collection actions.

ARTICLES

The Powers and Pitfalls of Indemnity and Insurance Clauses in Contracts

Published on December 4, 2024, By Nick Laybourn

Business Insurance Coverage in the Wake of Hurricane Matthew

Published on October 18, 2016, in *Business in Savannah*.

Business Owners: What's in the Terms and Conditions You Give to Your Customers?

Published on August 17, 2016, in *Business in Savannah*.

The Power and Pitfalls of Indemnity Clauses in Contracts

Published on September 16, 2015, in *Business in Savannah*.

Commercial Property Owners: Be Aware of Potential Environmental Liability

Published on July 16, 2014, in *Business in Savannah*.

Georgia's Physician Shield Law, the Affordable Care Act and Medical Malpractice Liability

Published on September 4, 2013, in *Business in Savannah*.

Mediation Can Serve as a Smart Alternative to Litigation

Published on May 30, 2012, in *Business in Savannah*.

How to Avoid Business Partnership Disputes

Published on February 23, 2011, in *Business in Savannah*.

Liability for Legacy Equipment

Published on January 15, 2011, in 2009 and 2011 *ALFA International Compendium of Product Liability Law Issues*.

Liability of Component Part Manufacturers

Published on January 15, 2011, in 2009 and 2011 *ALFA International Compendium of Product Liability Law Issues*.

Admissibility of Plaintiff Expert Testimony

Published on January 15, 2011, in 2009 and 2011 *ALFA International Compendium of Product Liability Law Issues*.

Manufacturer Indemnification of Non-Manufacturing Seller

Published on January 15, 2009, in 2009 *ALFA International Compendium of Product Liability Law Issues*.

PRESENTATIONS

Strategies for Defending a Case Following a Spoliation Sanctions Order

Presented at GDLA – “Properly Handling Spoliation Issues” in Savannah, Georgia, on July 26, 2013.