



Nicholas W. Diegel

Shareholder

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Mr. Diegel concentrates his practice in complex business and tort litigation, particularly in disputes involving contracts, real estate, consumer protection, and breach of fiduciary duty. He also defends insurance clients in first-party and bad-faith litigation.

Mr. Diegel is a shareholder in Baker Donelson's Knoxville office and a member of the Logistics, Energy and Manufacturing Litigation Group. Using his well-rounded experience, he provides clients with strategic guidance to solve their litigation challenges.

Mr. Diegel represents business clients in high-stakes litigation in both trial and appellate courts. He represents businesses and underlying business owners in cases involving accounting, dissolution, breach of fiduciary duty, misappropriation, and claims for piercing the corporate veil. His practice focuses particularly on prosecuting and defending the ejection of shareholders and members of closely held companies (i.e., "business divorce"). He prosecutes and defends clients in contract disputes, including those related to real estate transactions and commercial and residential leasing. He also provides experienced guidance to clients concerning non-compete agreements and restrictive covenants.

Mr. Diegel represents and defends insurance clients in first-party litigation, and he has used this experience to provide excellent outcomes for his insurers. He has successfully defended insurers against claims for statutory bad-faith penalties in Tennessee at both the state and federal court levels.

In addition to his commercial litigation experience, Mr. Diegel advises and defends businesses in the context of labor and employment. He has defended companies against allegations of discrimination under state and federal law, as well as wage and hour violations under the Fair Labor Standards Act. He counsels clients concerning everyday labor issues, updates in the law, and employee handbooks, and he speaks frequently to human resources organizations on labor and employment issues.

As part of his practice, Mr. Diegel also conducts environmental due diligence and negotiates with state regulatory agencies, including the Tennessee Department of Environment and Conservation (TDEC), for the future development of brownfield properties and other properties with environmental risk.

During law school, Mr. Diegel was executive editor for the *Tennessee Law Review*. He worked as a judicial clerk for the Honorable Chancellors in the Hamilton County Chancery Court in Chattanooga, Tennessee.

Mr. Diegel volunteers with Knoxville Area Rescue Ministries (KARM), and he chairs the Firm's homeless legal clinic in collaboration with the University of Tennessee College of Law. He is also an Eagle Scout.

Representative Matters

- Successfully obtained reversal at the Tennessee Court of Appeals of an \$18 million judgment, including punitive damages, attorneys' fees, and multiple corporate veil piercings, against an international mattress manufacturer, one of its shareholders, and its affiliates.
- Successfully defended a national recruiting company in a gender and maternity discrimination lawsuit tried before a jury in Tennessee state court.

- Defended a national life insurance company and obtained summary judgment in favor of the insurer on a statutory bad-faith claim, as well as obtaining an award of the insurer's attorneys' fees.
- Represented a televised jewelry network in prosecuting a contract and fraud case against a Fortune 500 software company, resulting in an eight-figure judgment after a multi-week jury trial in federal court.
- Obtained summary judgment for a landlord in a significant breach of commercial lease claim.
- Represented the purchaser of a veterinary business and obtained injunctive relief against the seller for violating a non-compete provision.
- Defended a national insurance company and obtained summary judgment in the U.S. District Court for the Eastern District of Tennessee on a statutory bad-faith claim related to a homeowners insurance policy.
- Represented a member of a hospitality business and obtained injunctive relief against a co-member for embezzlement and violating the company's operating agreement.
- Represented a shareholder in a conversion and breach of fiduciary duty lawsuit against the company and co-shareholders for failure to pay a buyout.
- Represented a brokerage and its remaining shareholders in a dispute regarding the valuation of a departing owner's shares.
- Represented a regional national bank as successor trustee in a breach of fiduciary duty and waste dispute with the resigning trustee.
- Defended a Fortune 500 company against allegations of breach of contract in a bench trial before the U.S. District Court for the Middle District of Tennessee.
- Succeeded in affirming a judgment at the Tennessee Court of Appeals for breach of contract and attorneys' fees related to improper machining services.
- Defended a homeowner in a lawsuit alleging breach of covenants and restrictions brought by a homeowners association.
- Defended and continues to defend car dealerships in litigation related to purported consumer protection violations.
- Negotiated a favorable settlement in a compensation dispute between an employer and a former employee.



Professional Honors & Activities

- Listed in *Best Lawyers: Ones to Watch® in America* for Commercial Litigation (2021 – 2025)
- Member – Tennessee Bar Association
- Member – Knoxville Bar Association
- Member – Hamilton Burnett American Inns of Court (2023 – present)
- Hearing Committee Member – Disciplinary District II, Tennessee Board of Professional Responsibility
- Recipient – Baker Donelson's Knoxville Office Pro Bono Award (2022)



Publications

- "Young Litigators: Trying Cases Early in Your Career," *Trial Spotlight Newsletter* (October 2021)
- "Tennessee Supreme Court Decides that Personal Injury Claims and Derivative Loss of Consortium Claims are Aggregated for the Purposes of the Tennessee Damages Cap Statute" (June 2021)



Speaking Engagements

- "Wage and Hour: The FLSA Essentials" (May 2024)
- "Social Media Considerations for Employers" (April 2023)
- "The EEOC Charge: Nuts, Bolts, and Best Practices" (December 2022)
- "Labor & Employment: Employee Handbook Compliance," National Business Institute (November 2019)

- "2019 Employment Law Update: What Employers Need to Know" (April 2019)
- "Best Strategies for Evaluating, Investigating and Properly Responding to EEOC Charges," National Business Institute (December 2018)
- "Workers' Comp: Don't End Up Getting Hurt," Seventh Annual Tennessee Hospitality and Tourism Law Symposium (August 2018)



Education

- University of Tennessee College of Law, J.D., 2015, with honors
 - Executive Editor – *Tennessee Law Review*
- University of Tennessee, B.A., 2012, with honors



Admissions

- Tennessee, 2015
- U.S. District Court for the Eastern District of Tennessee, 2015
- U.S. District Court for the Middle District of Tennessee, 2018
- Federal Trade Commission, 2019