

Nolan J. Mitchell

Partner

Nolan Mitchell represents public and private companies and individuals in a wide range of complex business disputes across the United States at both the trial and appellate level. Nolan focuses his practice on representing automotive industry clients, original equipment manufacturers (OEMs), and other franchisors in litigation involving their distribution networks. He regularly defends and advises clients in disputes involving franchise terminations, add-points and relocations; advertising campaigns; sales incentive and bonus programs; allocation systems; and audit and warranty claims.

Nolan has extensive experience defending securities and consumer class actions, and has successfully obtained dismissal of numerous shareholder and derivative claims alleging fraud, misrepresentation and breach of fiduciary duty as well as consumer claims under the Telephone Consumer Protection Act (TCPA) and various state consumer protection and wage acts. In addition, Nolan serves as national safety counsel to the world's largest online marketplace for care services, and regularly litigates cases involving Section 230 immunity and various aspects of internet and tort law.

Nolan's recent representative franchise and distribution experience includes:

- Representation of a domestic automobile manufacturer against dealer claims challenging its national sales incentive program under Florida law.
- Representation of an automotive manufacturer in claims challenging the establishment of a new dealership in its local market.
- Representation of an import dealer in case of first impression under Massachusetts Dealer Act challenging its warranty service reimbursement rate.
- Obtained dismissal of claims challenging an automobile manufacturer's advertising campaign under the New Jersey Consumer Protection Act, followed by affirmance on appeal by the New Jersey Appellate Division and denial of certification by the New Jersey Supreme Court.
- Obtained affirmance by the Connecticut Superior Court and Appellate Division of administrative decision rejecting challenge by four protesting dealers to the establishment of a new dealer in greater Hartford, Connecticut.
- Obtained summary judgment on individual claims brought by California import dealer-principal alleging breach of contract and



nolan.mitchell@quarles.com

Washington, D.C. Office

Tel: (202) 780-2644

Fax: (202) 372-9572

- fraud.
- In a case of first impression, obtained dismissal of claims challenging dealer relocation on grounds that protesting dealer lacked standing because amendment expanding New Jersey's "relevant market area" for protests could not be retroactively applied.
- In case of first impression, obtained dismissal of protest by challenging the New Hampshire Motor Vehicle Industry Board's jurisdiction over establishment of a Vermont dealer.
- Successfully represented an automobile manufacturer and luxury vehicle company in federal court in Illinois and New York defending claims brought by insolvent terminated dealers, resulting in franchisors regaining control of franchises.
- Successfully resolved claims against medical equipment manufacturer in dispute with a supplier over termination of a distribution agreement.
- Successfully resolved case of restaurant franchisor brought by franchisee challenging termination.

Admitted in Massachusetts.

Legal Services

- [Automotive Industry](#)
- [Litigation & Dispute Resolution](#)
- [Franchise & Distribution](#)
- [Class Action Defense](#)
- [Securities Litigation](#)

Education and Honors

- Boston University (M.A., 2007)
 - Major: International Relations
- Boston University School of Law (J.D., *magna cum laude*, 2006)
 - *Boston University Law Review*, managing editor
- University of Massachusetts Amherst (B.A., *summa cum laude*, 2001)

Bar Admissions

- Massachusetts

Court Admissions

- U.S. District Court, District of Massachusetts
- U.S. Court of Appeals, 1st Circuit
- U.S. Court of Appeals, 2nd Circuit
- U.S. Court of Appeals, 9th Circuit
- U.S. Court of Appeals for Veteran Claims



Professional Recognition

- *The Best Lawyers in America*®, Commercial Litigation, 2022

Clerkships

- The Hon. Juan R. Torruella, United States Court of Appeals for the First Circuit
- The Hon. Patti B. Saris, United States District Court for the District of Massachusetts