



Arman Nafisi

Partner

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Phoenix, AZ – 480.562.3662

Arman Nafisi practices law in the areas of general liability, product liability, professional liability, transportation, employment, civil rights, medical and legal malpractice, and intellectual property litigation. A significant portion of his practice involves the defense of trucking companies, retailers, banks, and product manufacturers in personal injury and wrongful death claims arising from accidents. Arman has achieved certification in Wilson Elser's rigorous Mock Trial Invitational, through which our most successful trial lawyers impart their knowledge to those destined to join their ranks.

Arman has secured victories for his clients on motions for summary judgment and on appeal. He has settled multiple personal injury cases within insurance policy limits where the claimed damages exceeded the policy limits. He also has obtained rulings of no discipline warranted in professional liability cases where the professionals' conduct fell below the standard of care.

During law school, Arman interned for the United States Attorney's Office, Civil Division, and served as judicial extern to the Honorable Charles Case II, United States Bankruptcy Court.

Education

- Sandra Day O'Connor College of Law at Arizona State University (J.D., 2013)
- University of Washington (B.A., 2008)

Bar Admissions

- Arizona
- Iowa

Services

- Accountants
- Commercial Litigation
- Complex Tort & General Casualty
- Intellectual Property & Technology
- Medical Malpractice & Health Care
- Professional Liability & Services
- Transportation
- Product Liability, Prevention & Government Compliance

Court Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, District of Arizona
- U.S. District Court, Northern District of Iowa
- U.S. District Court, Southern District of Iowa
- Supreme Court of Arizona
- Supreme Court of Iowa

Professional Affiliations

- Arizona Association of Defense Counsel
- Claims and Litigation Management Alliance (CLM)
- Federal Bar Association

Awards & Honors

- Selected for inclusion in The Best Lawyers in America® Ones to Watch™, 2024-2025
- Selected for inclusion in *The Best Lawyers in America*®: Ones to Watch in the area of Transportation Law, 2021-2023

Publications

October 2024

Professionally Speaking

April 5, 2021

Mitigating a Catastrophic Trial Outcome: Don't Get Blasted by a Nuclear Verdict

Insights: A Professional Journal by the CPCU Society

Client Wins

Del Gatto and Nafisi Prevail in Serious Trucking Accident Case on Summary Judgment in Iowa Based on Federal Graves Amendment

Brian Del Gatto (Partner-Phoenix) and Arman Nafisi (Partner-Phoenix) prevailed on a motion for summary judgment in the Iowa District Court, Polk County, on behalf of an international semi-truck equipment dealer. In this clear-fault case, plaintiff was rear-ended by a semi-truck tractor and filed a lawsuit alleging negligence on the part of the driver. The plaintiff brought vicarious liability claims alleging high six-figure damages against our client, the lessor of the semi-truck, as well as the driver's employer, who leased the truck from our client. Brian and Arman took over defense of the litigation in the middle of discovery, from prior defense counsel. At the conclusion of discovery, Brian and Arman filed a motion for summary judgment arguing that the plaintiff's claim against the client is

precluded by the Graves Amendment, a federal tort reform statute limiting the liability of vehicle rental and leasing companies and barring vicarious liability claims in motor vehicle accidents. Following briefing and oral argument, the Court granted summary judgment and dismissed the case with prejudice against our client. The case was set to go to trial later this year and saved the client significant legal cost and risk exposure.

Miller, Del Gatto and Nafisi Obtain Dismissal for Global Logistics Client in Collision Case

Stu Miller (Partner-New York, NY) and Phoenix, Arizona, partners Brian Del Gatto and Arman Nafisi secured a voluntary dismissal of a global logistics company client from a suit in Arizona. The plaintiff sustained significant property damage loss after a driver, operating a vehicle owned by our client, negligently collided with the plaintiff's vehicle. The driver, however, was working for a different company our client had contracted with at the time of the accident. Arman and Brian, through early, proactive fact-gathering and investigation efforts in coordination with the client, discovered these facts and obtained the subject contract early enough in the case to persuade the plaintiff to amend its Complaint and dismiss our client from the case.

Nafisi and Birko Obtain Dismissal in Breach of Contract and Legal Malpractice Case

Arman Nafisi (Partner-Phoenix) and Leeza Birko (Associate-Phoenix) obtained a dismissal in a breach of contract and legal malpractice suit against Wilson Elser's client, a licensed attorney. During oral arguments, Leeza contended that the language in our client's retainer agreement with the plaintiff specifically limited the scope of engagement. In addition, the plaintiff's allegations were used against him to prove that the restricted scope was exceeded. Arizona's procedural rules allowed for annexing the retainer agreement to the moving papers without requiring the court to treat the motion as one for summary judgment. The court granted Leeza and Arman's motion to dismiss. The court was further persuaded to dismiss the plaintiff's multitude of other claims as inapplicable, adopting as an issue of first impression the ABA's stance against "shotgun pleadings" and because the claims fell outside the gravamen of the plaintiff's action.