



Nicole Holland

Partner

nicole.holland@wilsonelser.com

White Plains, NY – 914.872.7275

Nicole Holland defends medical malpractice, nursing home negligence, and general negligence matters in New York and Connecticut, from inception through trial. She represents prominent hospitals, nursing homes, doctors, nurses, emergency medical responders, and other health care providers.

Nicole also represents physicians during proceedings pursuant to investigations by the Office of Professional Medical Conduct. Her experience covers a wide range of medical specialties, including obstetrics and gynecology, gynecological surgery, neurosurgery, plastic surgery, cardiology, anesthesiology, orthopedic surgery, and emergency medicine. Nicole is committed to developing innovative and practical case strategies tailored to meet each client's unique needs.

With a passion for women's rights, Nicole serves as a representative on the firm's Women Attorneys Valued & Empowered (WAVE) Committee.

Education

- The College of William and Mary (J.D., 2014)
- Northeastern University (B.S., *summa cum laude*, 2011)

Bar Admissions

- New York
- Connecticut

Court Admissions

- U.S. District Court, Southern District of New York

Services

- Medical Malpractice & Health Care

Awards & Honors

- Selected for inclusion in *The Best Lawyers in America® Ones to Watch™*, 2023–2026
- Selected for inclusion in *Super Lawyers® Rising Stars™*, 2020–2025

Client Wins

Friedberg & Holland Obtain Defense Verdict in Knee Replacement Case

Alan Friedberg (Senior Counsel, White Plains, NY) and Nicole Holland (Of Counsel-White Plains, NY) obtained a defense verdict after an 11-day trial in Supreme Court, Westchester County. Our client, an orthopedic surgeon, performed a total knee replacement on the plaintiff, and eight months later, plaintiff underwent a revision at the Hospital for Special Surgery during which the prosthetic components placed by our client were replaced with smaller components. At trial, plaintiff claimed the femoral component of the knee replacement was negligently placed, causing an overhang and impingement, which caused excessive pain and required a revision due to excessive scarring that formed from the inability to do physical therapy. At trial, Alan and Nicole were able to produce a musculoskeletal radiologist who demonstrated that the soft tissues in the knee were easily visualized on a MRI before the revision procedure even with the presence of artifact from the metal implants. This expert clearly demonstrated that there was no impingement and no inflammation. Further, the plaintiff claimed permanent injury, as his left leg and knee cramp up and lock. There was also testimony that he experienced excessive atrophy in the leg after the revision due to inability to participate in PT after the first surgery. Nicole presented our independent medical examining expert, who demonstrated that there was no atrophy, the cramping was from long-standing peripheral vascular disease, and that plaintiff, in fact, had an “excellent result” from the revision surgery performed at the Hospital for Special Surgery. The jury came back with a unanimous verdict in less than 1 hour and 10 minutes of deliberation.

Fernandez, Peticca & Holland Obtain Dismissal in Nursing Home Wrongful Death COVID-19 Immunity Case

Emily Fernandez (Partner-White Plains, NY), Christopher Peticca (Associate-White Plains, NY), and Nicole Holland (Of Counsel-White Plains, NY) obtained dismissal of a wrongful death case on behalf of nursing home client based on COVID-19 immunity pursuant to the EDTPA. The action involved claims of medical malpractice and nursing home negligence in the care and treatment rendered to the plaintiff’s decedent allegedly resulting in COVID-19 infection and death. We drafted a motion to dismiss arguing that the medical records and policies implemented by the facility in response to the COVID-19 pandemic established that the decedent’s care was impacted by the pandemic, thus triggering immunity provided by the Emergency or Disaster Treatment Protection Act (EDTPA). The motion further argued that no exception to the EDTPA applied because the plaintiff failed to properly plead allegations of gross negligence, recklessness, and willfulness, as such claims were conclusory and not sufficiently distinct from the underlying negligence claims. In opposition, the plaintiff argued that we failed to conclusively establish whether the decedent’s care was in fact impacted by the pandemic and that further discovery was needed to meet that burden. The plaintiff also argued that claims of gross negligence,

recklessness, and willfulness provided an exception for the EDTPA and required the motion to be denied. However, on reply, based in part on an analysis of the same case law that plaintiff submitted in opposition, we established that plaintiff's argument was flawed and that we had indeed met the standard for EDTPA immunity in a nursing home negligence case. Specifically, we established that the plaintiff's conclusory claims of recklessness were insufficient to provide an exception to the EDTPA and that medical records and relevant COVID-19-related policies proved that the treatment at issue was impacted by the pandemic. After oral argument on the motion in Supreme Court, Kings County, the case was dismissed in its entirety.

Friedberg and Holland Obtain Unanimous Defense Verdict in Plastic Surgery Case

Alan B. Friedberg (Senior Counsel-White Plains, NY) and Nicole Holland (Of Counsel-White Plains, NY) represented a plastic surgeon who had performed an abdominoplasty and abdominal wall reconstruction component separation procedure on the plaintiff in 2013. The plaintiff had lost 100 pounds as the result of gastric bypass surgery resulting in a large abdominal pannus. The plaintiff claimed that the component separation portion of the procedure was contraindicated, and resulted in weakening of her abdominal wall, and excessive scarring that caused both physical deformity and mental anguish. Through cross-examination by Nicole, the plaintiff was forced to admit that the claimed mental anguish resulted in no treatment over the past decade as she was concerned psychological treatment may have jeopardized her employment as a corrections officer. Nonetheless, she testified to significant social and psychological issues due to her mental anguish. Through cross-examination of the plaintiff's expert, Alan was able to show that while the expert claimed the abdominal wall was weakened and made more susceptible to herniation, and the resulting scarring was excessive, the expert had written a book in 1998 in which he described similar scarring as to be *expected* from the procedure. The plaintiff's counsel argued that our client failed to document the basis for the component separation portion of the operation, but Alan and Nicole were able to show that the risk of 40 percent recurrence as brought out by our expert and the use of clinical judgment by our client, were an appropriate basis on which the procedure was performed. The jury rendered a unanimous verdict in an hour.