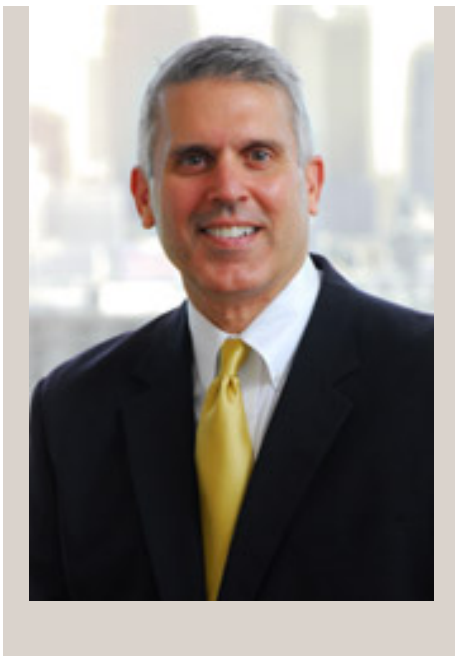


BERKOWITZOLIVER



Nicholas L. DiVita

Partner

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Assistant:
Kathy Kreutziger
816.627.0227

Practice Areas

Business Litigation
Class Action Defense
Complex & Mass Tort/Toxic
Tort
Employment
Products Liability

Professional Profile

Nick is an experienced, tested trial lawyer with jury and bench trial credentials in state and federal courts across the country. In a career spanning over three decades, Nick brings to courtroom battles a breadth of exposure to complex procedural and substantive legal controversies. Early in his career, Nick practiced in diverse areas of substantive law including mineral title opinions for coal and gas producers and exploration companies, residential title opinions for banks, creditor's rights and collections, bankruptcy filings and litigation (Chapters 7, 11 and 13), administrative law, banking, domestic relations, will and probate matters, corporate mergers and acquisitions, and secured transactions. After five years of developing a broad exposure to these and other areas of substantive law, Nick began to focus entirely on litigation and trials. Nick's trial experience went on to draw from a wide variety of commercial tort, insurance and general contract cases, product liability and employment discrimination matters. Nick has used this background to make himself more effective and perceptive in the litigation and trial process. Nick has substantial experience in complex damage and causation questions where expert witnesses and competing data analyses are involved. Emphasis over the last dozen years has been in employment discrimination defense, class action defense, product liability defense and complex business litigation.

Nick enjoys riding his Yamaha FJR 1300 sport touring motorcycle almost anywhere in the country.

Iron Butt Association, Member, No. 49754

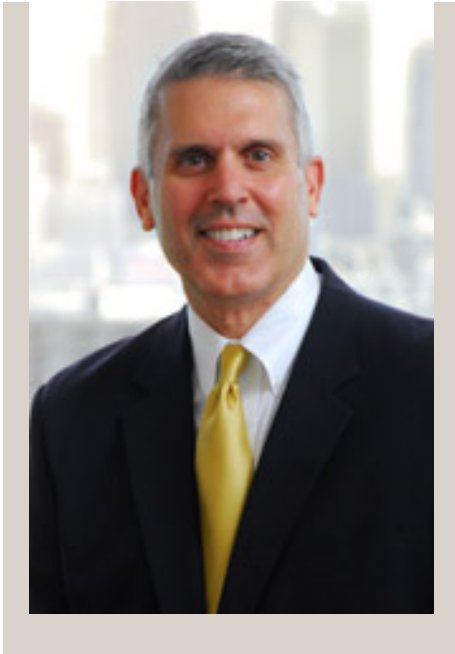
Publications

Nicholas L. DiVita, *John Locke's Theory of Government and Fundamental Constitutional Rights: A Proposal for Understanding*, 84 W. Va.L.Rev. 825 (1982) (Student Note)

Nicholas L. DiVita, *Conflicts Between the West Virginia Landlord's Lien and Article Nine of the Uniform Commercial Code*, 86 W. Va. L. Rev. 417-435 (1984)

Nicholas L. DiVita, *Strategies to Prevent Nonmutual Offensive Collateral Estoppel*, Defense Research Institute Monograph pp. 33-42 (Spring 1990) (co-author)

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Education

West Virginia University College of Law (J.D., 1982)

*Order of the Coif

*Patrick Duffy Koontz scholar

*Lead Articles Editor,

**West Virginia Law Review* (where he won its 1982 Annual Writing Award)

West Virginia State University (1979) *summa cum laude*

Admissions & Qualifications

Missouri, 1988

West Virginia, 1982 (inactive)

U. S. District Court, Western District of Missouri

U. S. District Court, Eastern District of Missouri

U. S. District Court, District of Kansas

U. S. District Court, Northern District of Texas

U. S. District Court, Central District of Illinois

U. S. District Court, Southern District of West Virginia

U. S. Court of Appeals for the Fourth Circuit

U. S. Court of Appeals for the Eighth Circuit