



Jonathan Massell

SHAREHOLDER

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4141 Parklake Avenue
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Practices

Construction Services for Owners
Construction Services for
Subcontractors and Suppliers
Construction Services for Design
Professionals
Construction Services for General
Contractors
Construction Law
Litigation
Business & Commercial Disputes
Truck Accident Defense
Land Use & Zoning

Education

**University of North Carolina
School of Law**
(2013, J.D., *high honors*, Order of
the Coif)

University of Virginia
(2008, B.A.)

Admissions

State Bar: North Carolina

Jonathan practices in the areas of Construction Law and Business Litigation. He frequently represents owners, contractors, subcontractors, and suppliers on the front end by assisting in contract drafting and negotiations. When disputes arise, he has experience representing clients in a wide array of construction issues, including, but not limited to, contractual disputes, defects, delays, and lien and bond claims. He also represents clients in land use and zoning matters, both at the early development and planning stage and in litigation.

Outside of the construction industry Jonathan has broad experience representing clients in various commercial, collection, and insurance coverage disputes, with a particular focus on trucking industry defense work. Jonathan has helped resolve many disputes at mediation, has argued numerous motions in state court, and has federal trial experience.

He earned a law degree with high honors from the University of North Carolina School of Law, where he was a member of the North Carolina Law Review and the Graduate Student Attorney General's Staff. He graduated with a Bachelor of Arts in History and Spanish from the University of Virginia.

His past experience includes:

U.S. District Court: North Carolina (Eastern, Middle, Western)

U.S. Court of Appeals: Fourth Circuit

- Judicial Intern for the Honorable J. Douglas McCullough of the North Carolina Court of Appeals;
- Legal Extern for the Trademark Counsel's Office at GlaxoSmithKline in RTP;
- Summer Immigration Law Intern at Pisgah Legal Services in Asheville, NC;

Representative Experience

Insurance Coverage/COVID-19 - Obtained full dismissal of COVID-19 business interruption coverage cases for a property insurer in two different federal district courts in NC. Motion to dismiss granted in both. See *Julie's, Inc. v. Hanover*, 2021 WL 5416685 and 2021 WL 2312532 (November 19, 2021, and June 7, 2021, M.D.N.C.), and *JF Fitness of Richmond, LLC v. Nova Cas. Co.*, 2022 WL 831426 (March 18, 2022, E.D. N.C.)

Truck Accident/Wrongful Death/Bench Trial - In truck/motorcycle accident, conducted bench trial in federal district court in Raleigh, NC, and appealed adverse judgment to the Fourth Circuit. Successful settlement during appeal. See *Carroll v. Oakley Trucking Co.*, 5:17 CV 357 (E.D.N.C. 2018)

Truck Accident/Traumatic Brain Injury - Obtained successful settlement of catastrophic truck accident case in federal district court in Charlotte, NC, after 18 depositions of fact and expert witnesses in OK, FL, AL, SC and NC and after multiple dispositive motions on punitive damages and other claims. See *Brown v. Celadon Trucking Services*, 3:16 CV 00229 (W.D.N.C. 2017)

Recognitions

- Listed in *Best Lawyers*, "Ones to Watch" for Construction Law (2023-present)
- Recognized in *North Carolina Super Lawyers®*, "Rising Stars" in Construction Litigation, 2019, 2020, 2022, 2023
- Order of the Coif
- North Carolina Law Review, Member

Community & Professional

- North Carolina Bar Association
- Past Chair, NC Bar Association Construction Section Newsletter Committee
- Member, NC Bar Association Construction Section Council, CLE Committee
- Grants Committee, Future Fund, 2015-2016
- Greensboro Bar Association, Young Lawyer Section Board Member, 2014-2016; Ask-a-Lawyer Day Coordinator, 2015-2016
- "Climate Change and Change Orders: Consideration Of Force Majeure" By David A. Senter and Jonathan W. Massell, NC Bar Association Construction Law Section newsletter, *Change Order*, September 2016. Read article here.
- "Let Freedom of Contract Ring" NC Supreme Court Upholds Enforceability of Long-Term Express Warranties June 2015. Read article here.
- Construction Law Alert: "Long Term Express Warranties: North Carolina Ruling May Shorten Lifespan" April 2014. Read article here.

News

08.17.2023 | News from Maynard Nexsen

244 Maynard Nexsen Attorneys Named to 2024 Best Lawyers in America®

01.18.2023 | News from Maynard Nexsen

Twelve Nexsen Pruet Attorneys Listed in 2023 North Carolina Super Lawyers®

01.03.2023 | News from Maynard Nexsen

Nexsen Pruet Names New Members for 2023

08.18.2022 | Firm News

72 Nexsen Pruet Attorneys Named to 2023 Best Lawyers in America® List

Insights

05.18.2023 | Article

Cybersecurity in the Construction Industry. Know Your Risks and Take Steps to Protect your Company

01.13.2021 | Article

Update – OSHA's COVID-19 Guidance for the Construction Workforce



04.23.2020

OSHA Releases COVID-19 Guidance for the Construction Workforce

07.19.2019

New General Contractor Continuing Education Requirements in North Carolina