



# Nelson E. Canter

## Partner

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Nelson E. Canter, Esq., AV rated by Martindale Hubbel rating system, spearheaded and manages the firm's Insurance Subrogation Group which concentrates on investigating and prosecuting property subrogation claims nationally for domestic and foreign insurance carriers. Mr. Canter coordinates with experts in origin and cause investigations of losses involving fires and explosions, construction defects, building collapses, crane malfunctions, heavy equipment failure, energy losses, turbine failures, fire suppression system malfunctions, mechanical, electrical and plumbing failures, risk transfer/tender enforcement and a wide range of complex commercial disputes for the insurance industry and business community. Mr. Canter defended European manufacturers in product liability cases throughout the United States, and continues investigating and prosecuting property subrogation cases throughout the country.

Mr. Canter is a Life Member of the Purchase Fire Department in Purchase, New York where he joined in 1978 as a junior firefighter at age 16. He rose through the line officer ranks of Lieutenant, Captain and Assistant Chief and has served on the Department's Board of Directors for over 25 years. In 2013, Mr. Canter was appointed to the Executive Committee of the Westchester County Arson Task Force.

Mr. Canter began his legal career in law enforcement as an Assistant District Attorney for the County of Westchester, New York from 1987 to 1992. As a prosecutor, Mr. Canter tried over 50 jury trials, over 200 bench trials, conducted over 500 felony hearings, coordinated covert investigations and presented over 150 cases to Westchester County Grand Juries. In 1992, Mr. Canter entered private practice and continues to concentrate on complex civil litigation nationally and general criminal defense.

In 2012, Mr. Canter was elected to a four-year term as Town Justice for the Town of Harrison, N.Y. where he presided over criminal and civil matters under the Town Court's jurisdiction. From 2016 through 2023, Mr. Canter served as Deputy Town Attorney for the Town of Harrison and handled a wide range of municipal litigation involving land use, zoning, environmental, civil rights, employment, commercial disputes, subrogation and risk management for the Town.

Mr. Canter is a frequent Guest Speaker and Presenter at national conferences for the Property Loss Research Bureau (PLRB) and National Association of Subrogation Professionals (NASP) and lectures to general and independent insurance adjusters, origin and cause investigators and experts of all disciplines.

Mr. Canter's demonstrated passion for and commitment to public service as an Assistant District Attorney, Town Justice, Deputy Town Attorney and First Responder, coupled with his extensive civil and criminal litigation experience, distinguish and enable Mr. Canter to communicate very effectively with juries, judges, court staff, insurance professionals, corporate representatives at all levels, experts, insureds, and victims. Mr. Canter's 35 years+ of experience enable him to bring a sense of reassuring calm to often chaotic situations, and to litigate persuasively to achieve consistent, favorable results for each of our clients.

Mr. Canter is AV rated by Martindale Hubbel rating system.

Mr. Canter is admitted to the State Bars of New York, New Jersey, Connecticut and Florida and also heads the Firm's Sarasota, Florida office. He can be reached at [ncanter@mcalughlinstern.com](mailto:ncanter@mcalughlinstern.com).

## Education

- Seton Hall University School of Law (J.D. 1987)

- American University (B.A. 1983)
- University of London - School of Economics, 1982

## Birthplace

- White Plains, N.Y.

## Bar Admissions

- Florida State Bar (2023)
- Connecticut State Bar (2013)
- New York State Bar (1988)
- New Jersey State Bar (1987)
- United States Supreme Court (1995)
- United States Court of Appeals:
  - Second Circuit (1998)
- United States District Court:
  - District of Columbia (2024)
  - Middle District of Florida (2024)
  - Southern District of Florida (2023)
  - District of Vermont (2018)
  - Western District of Wisconsin (2014)
  - Eastern District of Wisconsin (2012)
  - Northern District of New York (2010)
  - Western District of New York (2013)
  - Western District of Michigan (1994)
  - District of Connecticut (1993)
  - Eastern District of New York (1992)
  - Southern District of New York (1988)
  - District of New Jersey (1987)

# Memberships

- Purchase Fire Department - Life Member, Director and former Captain and Assistant Chief
- Westchester County Volunteer Firefighter's Association– Life Member
- Westchester County Arson Task Force - Executive Board Member
- International Association of Arson Investigators – New York Chapter
- Metropolitan Transportation Authority - Office of Inspector General - Management Advisory Board - 2004-2006

# Speaking Engagements

The following are some of Mr. Canter's speaking engagements:

Presenter- *Preparing for Testimony* – Property Loss Research Bureau - 2024 Annual Conference, Hynes Convention Center - Boston, MA - March 19, 2024 and March 20, 2024.

Presenter- *Giving Testimony* – Property Loss Research Bureau Annual Conference, Orlando, Florida - March 21, 2023 and March 22, 2023.

Guest Speaker, “*Preparing for Deposition and Trial Testimony*,” Institute of Fire Science, Tarrytown, New York, April 20, 2022.

Presenter - “*Giving Testimony: The Truth & Only the Truth*” at the Property Loss Research Bureau’s Annual National Conference in San Antonio, Texas - April 5, 2022.

Keynote Speaker, The New York Independent Adjusters Association, “*Preparing the Claims Adjuster to Testify*,” Spring Seminar, The Down Town Association, New York, NY, May 11, 2017.

Industry Spotlight Series, “*Eliminating Waivers of Subrogation*,” Property Loss Research Bureau National Claims Conference, Boston, MA, March 28, 2017.

“*A First Responders Perspective on Investigating and Subrogating Fire and Explosion Losses*,” Westchester County Fire Investigators Association, Westchester County Fire Training Center, Valhalla, New York, June 9, 2016.

“*2014 Mock Trial - Plaintiff's Counsel*,” Property Loss Research Bureau National Claims Conference, Indianapolis, IN, March 16-19, 2014.

*“Expert Witness Courtroom Testimony Course,”* Guest Attorney for the International Association of Arson Investigators, Colonie, New York, March 10, 2012.

*“Litigating Product Liability Claims - Mutual Marine Seminar Series,”* NYMAGIC, Inc. Headquarters, New York City, September 22, 2009.

*“Expert Witness Courtroom Testimony Course,”* Guest Attorney for the International Association of Arson Investigator's in Troy, New York, October 20, 2007.

*“Evaluating Subrogation Potential on Explosion Claims,”* Annual Conference of the Property Loss Research Bureau, Orlando, FL, March 19, 2007.

*“Handling Explosion Claims,”* Annual Conference of the National Association of Subrogation Professionals, Orlando, FL, November 13, 2006.

*“Different Perspectives on Construction Defect Claims in New York,”* New York City, April 11, 2006.

*“Construction Defect Claims in New York State,”* White Plains, N.Y., February 21, 2006.

*“Investigation of the Case and Use of Experts,”* Trial Lawyers Section of the New York State Bar Association, New York City, May 24, 2005.

*“Explosions - the Subrogation Concept,”* Annual Conference of the Property Loss Research Bureau, San Antonio, TX, April 20, 2005.

*“Subrogating Explosion Losses,”* Annual Conference of the National Association of Subrogation Professionals, Atlanta, GA, November 8, 2004.

## Reported Cases

- *Jonathan Seti, et al., v Carnell Associates, Inc.*, Decision & Order, Supreme Court New York, Appellate Division, (2nd Dept.) Case 2020-06698, Decided July 5, 2023.
- *Amica Mutual Insurance Company v. BMW of North America, LLC*, Summary Order, United States Court of Appeals (2<sup>nd</sup> Cir.) Case 22-391, Document 86-1, Decided April 28, 2023.
- *New York Methodist Hosp. v Carrier Corp.* 2009 NY Slip Op 09197 [68 AD3d 830]
- *Hillsborough Fire Litigation* SOM L 000502-17 – Superior Court of New Jersey; February 4, 2022.
- *Amica Mutual Insurance Company v. WHAC LLC d/b/a BMW of Rochester and BMW of North America, LLC* – USDC (WDNY) 16-CV-6749L January 28, 2022.

- *Amateur Hockey Ass'n of the U.S. v. Whitman and Ransom and Donald Parson*, 664 N.Y. S.2d 919, (1<sup>st</sup> Dept. 1997)
- *American Casualty Company of Reading, Pa. v. Motivated Security*, 2017 NY Slip Op 01970 (1<sup>st</sup> Dept. 2017)
- *Amedeo Hotels Ltd. Partnership v. Zwicker Elec. Co., Inc.*, 739 N.Y. S.2d 10, (1<sup>st</sup> Dept. 2002)
- *BanxCorp. v. Apax Partners LP. et al* (D.N.J. 2010)
- *BanxCorp. v. Costro and Capital One* (S.D.N.Y. 2010)
- *BanxCorp. v. Lending Tree, Dow Jones & Company, The New York Times Company, CNBC, Inc., Cable News Network, Inc., MSNBC Interactive News, LLC, Fox News Network, LLC, AOL Inc., and Move, Inc.* (D.N.J. 2009)
- *BanxCorp. v. Bankrate* (D.N.J. 2009)
- *Borden Chemical, Inc v. Growth Products, Inc.*, 28 AD3d 337 (2d Dept. 2006).
- *Fireman's Fund Ins. Co. v. Village of Lake Success*, 822 N.Y. S.2d 731, (2d Dept. 2006)
- *Fireman's Fund a/s/o Marek v. County of Nassau*, 66 A.D.3d 823, (2d Dept. 2009)
- *First Care Medical Clinic, Inc. v. Polymedco, Inc.*, 2006 WL 3497845, (W.D.N.C. 2006)
- *Goldstein v. Carnell Associates, Inc.*, 74 A.D.3d 745 (2d Dept. 2010)
- *Jackson & Wheeler, Inc v. Village of Pleasantville et al*, 56 A.D.2d 723 (2d Dept. 2009)
- *Matera v. Mystic Transp., Inc. et al.*, 764 N.Y.S.2d 458, (2d Dept. 2003)
- *Matter of Hockley v. Westchester County Board of Elections et al*, 66 A.D.3d 898 (2d Dept. 2009); lv den. by Ct of Appeals (October 29, 2009)
- *New York City Transit Authority v. Consolidated Edison Co. of New York, Inc*, 834 N.Y.S.2d 192, (1st Dept. 2007)

## Fire Training and Certifications

Mr. Canter's Fire Training and Certifications:

- Arson Awareness and Fire Behavior
- Origin and Cause Determination
- Confined Space Awareness and Safety
- Emergency Vehicle Operation
- Emergency Response to Terrorism
- CPR/AED
- Incident Command System
- Radio Operations and Procedures
- S.C.B.A.

- S.C.U.B.A.
- Ladder Operations
- Pump Operations
- Bailout Training

## Publications & Honors

- "When Does Tort Liability Extend Beyond Contractual Parties?" New York Law Journal, August 29, 2016  
View the article »
- "Legal Implications for Failure to Screen for Colorectal Cancer, 39 Westchester B.J., 39 WESTC.B.J. 9 (Winter-Spring 2014)" Westchester County Bar Journal, Winter/Spring, 2014
- "Trends on Expert Preclusion: Testifying Without a Degree" New York Law Journal, December 5, 2012 View the article »
- "Trends on Duty and Liability Under State Labor Law" New York Law Journal, December 8, 2010 View the article »
- "Subrogating Property Claims in Death Cases" Subrogator, National Association of Subrogation Professionals, Spring/Summer 2010 View the article »
- "Professional Liability — A Winning Strategy for Early Dismissal" New York Law Journal, May 26, 2006. View the article »
- "Disqualification of Counsel" New York Law Journal, Oct. 2, 2002
- "Deposing the Expert," Fire and Arson Investigator, Vol. 49 No. 1, November 1998
- "So You're Going To Be An Expert Witness: Preparation Tips You Should Know" The Risk Management Letter, Vol. 22, Issue 5, 2001
- "Liability Widened For Animal Attacks: Showing of Vicious Propensity Not Always Required" CM Report 1999, Vol. 2
- "Appellate Decision Split on Statute of Limitations Applicable to Insurance Brokers" CM Report 2000, Vol. 2
- "Insurer Has No Duty To Disclose Medical Conditions Discovered During Preinsurance Physical Examination" CM Report 2001, Vol. 1
- "Court of Appeals: Insurance Brokers Are Not Deemed 'Professionals' Subject to the 3-Year Malpractice Statute of Limitations" CM Report 2001, Vol. 2
- "Winning Litigation Strategies - Turning Defendants Contributory Negligence Argument Into An Admission Of Liability" CM Report 2002, Vol. 2

# Practice Areas

- Insurance Subrogation
- Litigation
- Professional Liability
- White Collar Defense and Investigations