



## **SHELLEY W. COLEMAN**

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*Shelley is a member of Butler Snow's litigation department and practices within the Tort, Transportation, & Specialized Litigation Group.*

### **PRACTICE AREAS AND INDUSTRY TEAMS**

- Appellate and Written Advocacy
- Insurance
- Tort, Transportation & Specialized Litigation
- Commercial Litigation

### **EXPERIENCE**

- As an experienced litigator with more than twenty years of practice defending businesses, insurance carriers, employers and individuals, Shelley continues to handle a variety of complex cases including insurance coverage disputes for liability, property, specialty and workers' compensation carriers, extra-contractual litigation and business.

### **Representative Matters**

- *Beal v. Coastal Carriers, Inc., et. al.*, 794 S.E.2d 882 (N.C. App. 2016) successfully defended carrier's denial of coverage for North Carolina claim under workers' compensation policy procured in South Carolina. The Court enforced policy endorsement limiting coverage for injuries occurring in states not included under 3.A. to employees either hired or principally employed in a 3.A. state. The Court also clarified factors to be considered when determining an employee's principal place of employment.
- *Ademovic v. Taxi USA, LLC d/b/a Yellow Cab of Charlotte, et. al.* (COA14-356, December 2, 2014), successfully defended taxi company and carrier on employment relationship denial in claim brought by driver who was shot by a passenger. Driver alleged he was an employee of taxi company. Defendants contended driver was an independent contractor. Court of Appeals reversed the decision of the Industrial Commission awarding benefits, instead accepting Defendants arguments that the taxi company lacked sufficient control over the driver for the driver to be an employee.
- *Estrada v. Timber Structures, Inc., et. al.* (COA14-468, November 18, 2014), successfully defended carrier before North Carolina Court of Appeals on issue of policy coverage for injury that occurred outside of policy period. The Court rejected

arguments that North Carolina workers' compensation policies must either be cancelled or non-renewed in order to end the term of the policy. Rather, the Court agreed that North Carolina's statutes regarding policy cancellation and non-renewal did not apply and that workers' compensation policies expire at the end of their stated terms unless renewed by the insured through payment of premium.

- *Baxter v. Danny Nicholson, Inc.*, 690 S.E.2d 265 (N.C. 2010), defended employer and insurance carrier before North Carolina Supreme Court on issue of constitutional construction where because decision from Industrial Commission was entered by a holdover commissioner after his successor was appointed.
- *Russo v. Food Lion*, 653 S.E.2d 255 (N.C. App. 2007), successfully persuaded Court of Appeals to affirm denial of benefits to a claimant who refused to return to a modified job position prior to reaching maximum medical improvement ("MMI") based upon contention that job did not meet requirements of suitable employment. The Court rejected the argument that pre-MMI work was subject to the same suitability standards of post-MMI work. This standard was subsequently codified by the North Carolina General Assembly in N.C. Gen. Stat. § 97-2(22).
- *Beachcomber Properties, L.L.C. v. Station One, Inc.*, 611 S.E.2d 191 (N.C. App. 2005), successfully defended Rule 12(b)(6) dismissal of declaratory judgment action of prospective purchaser of condominium unit against a homeowners' association for lack of standing.
- *Diaz v. Smith*, \_\_ N.C. App. \_\_, 724 S.E.2d 141 (2012): Successfully defended workers' compensation insurance carrier involving a policy written for an insured which financed payment with a financing company, and then failed to make payments. Finance company cancelled the policy, and Carrier denied coverage based upon the cancellation. The Court held the cancellation notice from a finance company pursuant to a power of attorney clause constitutes written notice from the insured, cancelling the workers' compensation policy upon receipt.
- *Norman v. Food Lion, LLC.*, \_\_ N.C. App. \_\_, 713 S.E.2d 507 (2011): successfully argued that pursuant to N.C. Gen. Stat. § 97-18 and § 97-86, payment of benefits under an award does not become due until all appeals are exhausted or a party waives the right to appeal, thereby quashing a routine practice by the plaintiffs' bar over several years demanding a 10% penalty on nearly every matter appealed from a Deputy Commissioner to the Full Commission.

## **BAR ADMISSIONS**

- North Carolina, 1996
- U.S. District Courts
  - North Carolina: Eastern, Middle, Western
- U.S. Court of Appeals
  - 4<sup>th</sup> Circuit

## **DISTINCTIONS**

- Recognized by *North Carolina Lawyers Weekly* with the Women of Justice Litigation Practitioner Award in 2014. The Women of Justice Awards recognize women across the state of North Carolina who have demonstrated leadership, integrity, service, sacrifice and accomplishment in improving the quality of justice and exemplifying the highest ideals of the legal profession.
- *Best Lawyers in America*®
  - Worker's Compensation Law, 2013-2021

## **ASSOCIATIONS**

- North Carolina State Bar
- North Carolina Bar Association
- North Carolina Association of Defense Attorneys
- Mecklenburg County Bar Association
- American Bar Association
- CLM (Claims and Litigation Management Alliance)
- Defense Research Institute (DRI)

## **EDUCATION & HONORS**

- Washington and Lee University, J.D., 1995
- University of Alabama, B.A., Speech Communication, *cum laude*, 1991

## **PAPERS, PRESENTATIONS AND PUBLICATIONS**

- Presenter, "Impact of Social Media on Workers' Compensation Cases," Nineteenth Annual North Carolina Workers' Compensation Educational Conference, October 9, 2014.
- Presenter, "Suitable Employment in Workers' Compensation Cases," Eighteenth Annual North Carolina Workers' Compensation Education Conference, October 9, 2013.
- Presenter, "Prevailing on Appeal: An Oral Advocacy Skills Training of an Appellate Case," NCADA Young Lawyers Seminar, July 25, 2012.

## **CIVIC INVOLVEMENT**

- Council for Children's Rights serving as an attorney advocate for children in contentious and difficult custody matters, 2016 - Present.
- Coach, Girls on the Run, 2016.