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LAW FIRMS

Judge allows malicious prosecution claim in attorney's countersuit against McElroy Deutsch

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A lawyer who countersued McElroy, Deutsch, Mulvaney & Carpenter for defamation and retaliation may add a malicious prosecution claim to the action, a New Jersey judge has ruled. (Image from Shutterstock)

A lawyer who countersued (<https://www.abajournal.com/news/article/amended-suit-alleges-misogynistic-mcelroy-deutsch-retaliated-and-defamed-former-executive>) McElroy, Deutsch, Mulvaney & Carpenter for defamation and retaliation may add a malicious prosecution claim to the action, a New Jersey judge has ruled.

Lawyer Nicole Alexander, McElroy Deutsch's former director of business and professional development, countersued after the law firm filed a lawsuit against her and her husband, former McElroy Deutsch chief financial officer John Dunlea. McElroy Deutsch accused the couple

(<https://www.abajournal.com/news/article/mc>

[elroy-deutsch-accuses-former-cfo-of-stealing-millions-from-firm-also-faults-his-attorney-wife](#)) of “business-card abuse” and Dunlea of paying himself unauthorized bonuses.

[Law360](#) (<https://www.law360.com/articles/1884668>) covered the Sept. 27 decision and spoke with Jeffrey Pollock of Fox Rothschild, who is Alexander’s lawyer.

“It may be great sport for McElroy to destroy a former employee’s life, but this claim was wrongful when it was filed, and it is tortious to maintain it,” Pollock told Law360.

Dunlea pleaded guilty (<https://www.abajournal.com/news/article/former-mcelroy-deutsch-cfo-pleads-guilty-to-embezzling-more-than-15m-from-firm>) in May to embezzling more than \$1.5 million from the firm over a six-year period and failing to pay more than \$22,000 in state income taxes. He was sentenced (<https://www.abajournal.com/news/article/former-mcelroy-deutsch-cfo-apologizes-for-terrible-decisions-before-getting-prison-time-for-embezzlement>) to five years in state prison in July.

Alexander has said she was unaware of wrongdoing. She filed a separate suit arguing that the firm engaged in marital-status discrimination because it fired her based on her marriage to Dunlea. The two cases have been consolidated, Law.com previously reported (<https://www.law.com/njlawjournal/2024/01/22/that-just-doesnt-fly-lawyers-salaries-off-limits-as-exec-sues-mcelroy-deutsch>).

See also:

Former McElroy Deutsch CFO faces criminal charges for alleged \$1.5M embezzlement

(<https://www.abajournal.com/news/article/former-mcelroy-deutsch-cfo-faces-criminal-charges-for-alleged-15m-embezzlement>)

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