

Kevin H. Scott



E: kevin.scott@halpernmay.com

P: (213) 402-1915

Los Angeles

PROFILE

Mr. Scott's practice is focused on commercial litigation at the trial and appellate levels, with a particular focus on commercial litigation involving issues of professional liability, employee mobility and competition, and corporate governance.

In 2022, Mr. Scott and partner Joseph Ybarra prevailed in a five-week jury trial where they successfully defended their client, a major international law firm, against charges of legal malpractice and breach of fiduciary duty. That victory followed a 2018 trial in which Mr. Scott and Mr. Ybarra had prevailed for a different international law firm following a two-week jury trial in Los Angeles Superior Court. In 2021, Mr. Scott and partner Aaron May sought, and obtained, a writ of attachment for nearly \$5 million against a former vendor that had participated in a scheme to defraud the firm's client.

Throughout his career Mr. Scott has also won numerous cases at the pleading and summary judgment stages and positioned dozens more for advantageous resolution before the risk and expense of trial is necessary. In the past few years, serving in a lead counsel role, Mr. Scott has secured the dismissal of numerous cases at the pleading stage, sparing his clients the time and expense of protracted litigation. He has also prevailed on key early motions such as anti-SLAPP motions and partial demurrers that dramatically narrowed the scope of the claims against his clients and positioned the matters for favorable resolution.

Mr. Scott is also an accomplished appellate advocate. In August 2020, Mr. Scott obtained an important appellate victory on behalf of the firm's client, a major national law firm. By a two to one



vote, the California Court of Appeal held that the plaintiffs in the case were bound to arbitrate their claims for legal malpractice by the terms of an agreement between the plaintiffs' family-owned business and the firm client. The opinion is available [here](#). And in 2018, Mr. Scott argued and won an important anti-SLAPP case before the California Supreme Court, *Rand Resources v. City of Carson*, 6 Cal.5th 610 (2019).

Mr. Scott also has significant experience on the plaintiffs' side, having assisted in securing more than ten million dollars' worth of settlements for firm clients.

Prior to joining the firm, Mr. Scott was an associate at Munger, Tolles & Olson LLP. While there, Mr. Scott handled a wide variety of complex civil litigation in disputes involving contract, tort, securities, malpractice, environmental, and malicious prosecution claims in state and federal courts across the country.

Early in his legal career, Mr. Scott served as a judicial law clerk, first for the Honorable Mariana R. Pfaelzer in the Central District of California and then the Honorable Raymond C. Fisher in the Ninth Circuit Court of Appeals. Mr. Scott also served as a summer clerk at the United States Department of Justice, Antitrust Division.

Mr. Scott received his J.D. from Stanford Law School, where he was an editor on the *Stanford Journal of Law, Business & Finance* and received the Hilmer Oehlmann Jr. award in legal research and writing. Mr. Scott received undergraduate degrees in economics and history from Stanford University; as an undergraduate Mr. Scott was elected to the Phi Beta Kappa society and received departmental honors.

Before law school, Mr. Scott spent several years as an analyst at Cornerstone Research providing economic and financial analysis to economists testifying as experts in antitrust, securities and intellectual property litigation. As an attorney Mr. Scott regularly draws on this experience in working with testifying experts and critiquing the analysis of opposing experts.

Mr. Scott has completed numerous marathons and long-course triathlons, including the 2013 Lake Tahoe Ironman.

Mr. Scott is admitted to practice in California and the U.S. District Courts for the Central and Northern Districts of California.

EDUCATION

- Stanford Law School, J.D.
- Stanford University, B.A. Economics & History

REPRESENTATIVE CASES

- Served as co-trial counsel in a five-week legal malpractice and breach of fiduciary duty case resulting in total victory for the firm's client.
- Prevailed on anti-SLAPP motion as to four out of five causes of action arising from a prior litigation, significantly narrowing scope of case and burden of discovery
- Prevailed on motion to quash summons for lack of personal jurisdiction
- Plaintiff voluntarily dismissed action as to Firm client after receiving motion to dismiss negligence action arising out of a warehouse fire
- Prevailed on motion to dismiss shareholder suit based on Colorado River abstention doctrine
- Prevailed on motion to dismiss indemnity and contribution suit arising out of an alleged multimillion dollar fraud on the grounds that the Firm's clients could not have been jointly liable for the underlying conduct
- Represented dozens of individuals as witnesses in litigation or government investigations related to their current or former employment
- Served as co-trial counsel in a malpractice and breach of fiduciary duty case. Following a two-week trial the jury found for the Firm's client on every issue. The jury's award held that our client had not committed any malpractice and was entitled to over \$100,000 in unpaid legal fees
- Represented the South Coast Air Quality Management District in connection with the Porter Ranch gas leaks, helping secure a settlement worth more than \$8 million
- Represented numerous businesses and individuals, including C-level executives, in shareholder disputes and cases involving alleged breaches of fiduciary duty, theft of trade secrets, and/or unfair competition
- Secured dismissal of multi-million dollar False Claims Act case at the pleading stage
- Represented founder of startup company in theft of trade secrets litigation; successfully defeated Temporary Restraining Order and Preliminary Injunction motions
- Represented financial institutions in residential mortgage-backed securities (RMBS) litigation in federal and state courts across the country, obtaining favorable results including summary judgment and judgment on the pleadings
- Represented a biotechnology company in a wrongful termination case based on alleged complaints of purportedly illegal and unethical marketing practices. Obtained numerous favorable evidentiary rulings after which the case settled on the second day of trial
- Obtained summary judgment on behalf of former general counsel and assistant general counsel of Fortune 50 insurer in malicious prosecution claim on the ground that due process required dismissal because



counsel's ethical obligations to their client precluded them from mounting a full defense

- Represented a Fortune 500 company in suit to recover a contractual indemnity worth several hundred million dollars from the current and former parents of a financially distressed indemnitor
- Represented a California public utility in an arbitration with a co-owner concerning a \$100 million dispute over management of a power plant. The matter settled on the eve of arbitration on favorable terms for the client

CLERKSHIPS

- Hon. Raymond C. Fisher - U.S. Court of Appeals, Ninth Circuit
- Hon. Mariana R. Pfaelzer - U.S. District Court, Central District of California

PRACTICE AREAS

- Trials & Appeals
- White Collar Defense & Investigations
- Professional Liability Defense