

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 cases involving issues of professional liability, employee mobility and competition, shareholder rights and fiduciary duties, environmental law, and cases involving public agencies and/or local governments.

In 2019, serving as lead counsel, Mr. Scott won the dismissal of two multi-million dollar cases at the pleading stage, sparing his clients the time and expense of discovery and trial. But when an early resolution is not available or the trial court does not see things our way, Mr. Scott is an adept trial and appellate lawyer.

In 2018, Mr. Scott served as co-trial counsel in a two-week jury trial in a legal malpractice and breach of fiduciary duty case. The trial ended with a complete victory for the firm's client, a major international law firm. The client prevailed on every cause of action, including on a cross-claim on which it was awarded over a hundred thousand dollars in unpaid fees. Later that year, 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).

On the Plaintiff's side, Mr. Scott's trial teams have obtained numerous significant settlements, judgments, and arbitration awards.

Prior to joining the firm, Mr. Scott was a litigator at Munger, Tolles & Olson LLP. While there Mr. Scott handled a wide variety of complex civil litigation in disputes involving contract, tort, securities, malpractice, 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.

Outside his legal practice, Mr. Scott engages in community and athletic pursuits. He serves on the executive committee of the Bet Tzedek New Leadership Council, which supports comprehensive free legal services for low-income families and individuals in the Los Angeles Area. 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

- Secured dismissal of shareholder dispute at the pleading stage
- Secured dismissal of 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