



David C. Scott

PARTNER



A skilled and experienced trial lawyer, David C. Scott has won judgments and jury verdicts in complex, high-stakes cases in state and federal trial and appellate courts across the country.

Industries

[Consumer Products](#)
[Energy & Cleantech](#)

Practices

[Complex Litigation](#)
[Environmental](#)

Education

University of Chicago Law School, JD, 2003
Miami University, BA (Econ), cum laude, 1999

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David works with each client to meet specific business and legal objectives, whether by aggressively pursuing early disposition of litigation through motion practice, creatively leveraging and shaping settlement opportunities, or efficiently and effectively litigating a case from the pleadings all the way through appeal.

David's trial experience includes multiple bench trials in federal court in Missouri involving claims brought by the U.S. Department of Justice against an electric utility under the Clean Air Act; a jury trial in Oklahoma state court involving claims for breach of contract, bad faith, and punitive damages against a national insurance and financial services company, which David first-chaired, winning a complete defense verdict; and a jury trial in federal court in North Carolina involving breach of contract, fraud, and intellectual property claims, in which our client won a \$13 million verdict.

David's areas of primary concentration include handling litigation for electric utilities and other energy clients in citizen suits, environmental enforcement actions, and commercial disputes. He has also focused part of his practice on defending class actions brought against clients in several industries, such as energy, consumer products, insurance, and telecommunications.

David has litigated cases in trial courts in Illinois, Alabama, Arkansas, California, Colorado, Kentucky, Missouri, Minnesota, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, and Washington, among other jurisdictions. He has argued before the Court of Appeals for the Eleventh Circuit and briefed appeals in the Third, Fourth, Fifth, Seventh, Eighth, Tenth, and Eleventh Circuits, as well as Illinois, Texas, and Washington state appellate courts.

In addition to his active litigation practice, David also serves as one of the firm's E-Discovery partners, assisting clients and colleagues with e-discovery issues and projects, training associates and staff on e-discovery best practices, and tracking the latest developments in e-discovery law.

Client Work

- Winning a complete defense verdict for our client, a national insurance and financial services company, as first-chair trial counsel in a state court jury trial in Tulsa, Oklahoma, where the

plaintiff asserted seven-figure claims for breach of contract, bad faith, and punitive damages.

- Trial counsel for a large electric utility in a two multi-week bench trials involving regulatory enforcement claims brought by the U.S. Department of Justice under the New Source Review regulations of the Clean Air Act in the Eastern District of Missouri.
- Winning a \$13 million jury verdict on behalf of a Fortune 500 commercial products company following a two-week trial in the Western District of North Carolina on breach of contract, trade dress, and false advertising claims, plus a \$2.75 million award of attorneys' fees and injunctive relief. *Irwin Industrial Tool Co., et al. v. Worthington Cylinders Wisconsin, LLC, et al.*, 747 F. Supp. 2d 568 (W.D.N.C. 2010).
- Winning dismissal of all counts in a lawsuit brought in the Eastern District of Tennessee against a large electric utility by local government entities claiming damages of hundreds of millions of dollar in lost tax revenues and costs associated with an environmental cleanup at a power plant.
- Defeating a temporary restraining order and ultimately securing dismissal of all claims in a lawsuit brought against our client, an international wind farm development company, by a municipality seeking to shut down and prevent construction of a state of the art 200MW wind farm in Illinois.
- Representing an electric utility in a Clean Air Act citizen suit enforcement action brought by a non-governmental organization, achieving a nuisance-value settlement after discovery and expert reports were exchanged.
- Winning dismissal of seven-figure fraud counts, mid-trial, when the trial court granted our motion for a directed verdict at the close of the plaintiff's case, which immediately precipitated a favorable settlement of the remaining contract count in a lawsuit brought against our client, an international elevator and escalator company, by the general contractor for a construction project.
- Winning summary judgment for an international elevator and escalator company in a contract dispute arising from a \$360 million asset purchase agreement in Allegheny County, Pennsylvania.
- Representing a national insurance and financial services company in numerous putative class actions relating to medical bill review issues, including defeating class certification in state court in Texas, including obtaining a favorable precedential appellate court decision affirming the trial court's ruling; obtaining dismissal of consumer protection act claims based on a medical bill review issue of first impression under Washington law in the Western District of Washington; winning summary judgment on consumer protection act claims in Washington state court; and securing voluntary dismissal of all class claims asserted on behalf of a putative nationwide class in the Northern District of Oklahoma.
- Obtaining summary judgment on 10 of 11 counts asserted against a futures commission merchant, and favorable resolution of the lone remaining count, in a lawsuit over the plaintiff's trading losses. *Shroff v. Rosenthal Collins Group, LLC, et al.*, 2009 WL 2704582 (N.D. Ill. Aug. 25, 2009).
- Receiving a favorable arbitration award for a leading manufacturer of writing instruments on claims against a Chinese supplier in a proceeding before the American Arbitration Association (AAA).
- Obtaining summary judgment in two related liability insurance disputes in federal court in Alabama, both affirmed on appeal. *Home Ins. Co. v. Hartford Fire Ins. Co.*, 164 Fed. Appx. 950, 2006 WL 231646 (11th Cir. 2006); *Twin City Fire Ins. Co. v. Colonial Life & Acc. Ins. Co.*, 375 F.3d 1097 (11th Cir. 2004).

Boards, Memberships & Certifications

- American Bar Association, Section of Litigation
- Illinois State Bar Association

Professional Activities

David's pro bono matters have included the representation of a death row inmate in Alabama through multiple appeals in state and federal courts; several plaintiffs in an establishment clause lawsuit in the Northern District of Illinois and the Seventh Circuit; an Illinois prisoner asserting Section 1983 claims; and asylum applicants.

David helps lead and organize the firm's annual participation in National Rebuilding Day with

Publications, Presentations & Recognitions

Recognitions

- Best Lawyers in America, *Best Lawyers* (2023-2024)
 - Emerging Lawyer, Law Bulletin Publishing Company's *Leading Lawyers* (2015-2018)
 - Illinois Emerging Lawyer, Law Bulletin's *Illinois Leading Lawyers Network* (2015)
 - Illinois Rising Star, Thomson Reuters's *Illinois Super Lawyers* (2011, 2013)
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Bar Admissions

[Illinois](#)

Court Admissions

[US Court of Appeals, 3rd Circuit](#)

[US Court of Appeals, 4th Circuit](#)

[US Court of Appeals, 5th Circuit](#)

[US Court of Appeals, 10th Circuit](#)

[US District Court, Northern District of Illinois](#)

[US District Court, Eastern District of Wisconsin](#)