

Robert P. Scott | Partner
Mass Torts & Complex Disputes

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Robert Scott practices in the area of civil litigation with primary emphasis on toxic tort defense and commercial litigation.

Bob is a member of the American Board of Trial Advocates. He is certified in civil trial law by the Texas Board of Legal Specialization. He is also a member of the Texas Association of Civil Trial and Appellate Specialists.

Select Engagements

Toxic Tort Defense

- A chemical manufacturer, lead counsel in class action and related claims filed as a result of release of chemical by third-party customer of manufacturer into the Elk River and resulting “Do Not Use” order which put 200,000 plus residents and businesses out of water for ten days. Settlement terms have been reached but not yet approved by federal court.
- A major oil company, lead counsel in claim that plaintiffs’ deceased who was a long-time service station operator developed acute myeloid leukemia from exposure to benzene in gasoline. Louisiana federal judge excluded plaintiffs’ experts on exposure and medical causation after two day *Daubert* hearing and granted summary judgment dismissing case. Judgment was affirmed by Fifth Circuit Court of Appeals.
- Major oil and chemical companies, trial counsel in multiple lawsuits in Texas, Pennsylvania, Florida and Louisiana in which plaintiffs claim that exposure to benzene, benzene-containing products and/or butadiene caused leukemia, lymphoma or myelodysplastic syndrome. We have tried cases of this type over 30 years in Texas, Louisiana, Mississippi and obtained summary

judgments in a number of these cases in these and other jurisdictions.

- A major oil company, exclusion of plaintiffs' exposure and causation experts and summary judgment in gasoline acute myelogenous leukemia lawsuit in Louisiana federal court.
- A major oil company, lead counsel in Louisiana jury trials including defense verdict in two week trace benzene lymphoma trial in New Orleans state court.
- A major chemical distributor, lead counsel in two week Beaumont, Texas jury trial of benzene-acute myelogenous leukemia wrongful death suit that resulted in defense jury verdict.
- A major oil company, defense co-counsel on medical and scientific issues in three week Mississippi jury trial claiming serious cognitive and respiratory deficits.
- A pesticide manufacturer, defense trial counsel in first trial in South Texas cases in which approximately 1900 plaintiffs claimed a variety of diseases and illnesses, including various cancers as a result of exposure to organochlorine pesticides. Case settled during trial.
- Major oil companies, won summary judgment in New Mexico gasoline-benzene myelodysplastic syndrome case based on the exclusion of plaintiffs' experts under New Mexico's scientific evidence standards. Appellate co-counsel in plaintiffs' appeal of summary judgment to New Mexico Court of Appeals resulting in opinion affirming exclusion and summary judgment.
- Major petrochemical companies, retained in individual and group defense in numerous cases in Texas, Louisiana, New Mexico, New York, Oklahoma, and Pennsylvania in which employees, contract workers, or community residents claim to have developed blood, lymphatic system, brain, or gastrointestinal tract cancers as a result of alleged exposure to benzene, butadiene, and/or other aromatic or chlorinated hydrocarbons.
- National coordinating counsel for a major, multinational chemical distributor, in benzene and solvent litigation filed throughout the United States.
- National coordinating counsel and trial co-counsel for a major petrochemical company, in asbestos products litigation filed throughout the United States.
- Multiple defendants, won summary judgment in benzene-acute myelogenous leukemia case based on the Texas bulk supplier/sophisticated user doctrine. Also, appellate counsel in plaintiffs' appeal to Texas Court of Appeals resulting in opinion affirming summary judgment.
- Summary judgment in Texas federal court in gasoline-benzene acute myelogenous leukemia lawsuit based on the exclusion of plaintiffs' experts under the United States Supreme Court's *Daubert* analysis.
- Summary judgment in a gasoline-benzene lymphoma lawsuit in Dallas based on the exclusion of plaintiffs' experts under the Texas Supreme Court's *Robinson* analysis.
- Co-counsel in gasoline-benzene acute myelogenous leukemia lawsuit based on the exclusion of plaintiffs' experts under New York law (*Frye* standard). New York appellate courts reversed trial court's refusal to exclude experts and granted summary judgment.
- Trial co-counsel in case in which 2,000 plaintiffs claimed personal injuries,

death and/or property damage as a result of alleged soil and groundwater contamination by a number of aromatic solvents, chlorinated compounds and dioxins. Six week trial of four initial plaintiffs resulted in a defense verdict in Beaumont, Texas and in a favorable settlement of the remaining claims.

- Successful trial to verdict of living mesothelioma asbestos plaintiff in Manhattan, New York.
- A major petrochemical company, as trial co-counsel to prepare and put on medical/scientific defense on causation issues in Houston federal court case in which over 2,000 plaintiffs alleged community soil and water contamination with polycyclic aromatic hydrocarbon compounds from crude oil and “environmental racism.” The claims of the first Plaintiffs to go to trial resulted in a mistrial at the close of the Plaintiffs’ case two months into trial.
- A major petrochemical company, defended in a South Texas case in which 450 plaintiffs claim personal injuries including respiratory, dermatologic, neurologic, and immune system injuries as a result of employment in a rubber o-ring manufacturing facility.
- A concrete saw blade manufacturer, preparation and trial defense on medical/scientific causation issues in a claimed “hard metal disease” death case in Beaumont, Texas.
- Several defendants, as trial co-counsel in Ft. Worth, Texas to prepare the medical/scientific defense on causation and exposure issues in an environmental and toxic tort case involving five hundred plaintiffs alleging community ambient air contamination and exposure to a variety of solvents and respiratory irritants from a waste disposal facility in northeast Texas.

Commercial Litigation

- A gas processing venture, in commercial arbitration over manuscript project completion insurance policies, with resulting award and payments to client totaling \$103,140,093.
- A major petrochemical company, in a commercial suit in which Plaintiffs made tort and warranty claims arising from corrosion allegedly caused by use of grease in fire hydrants.
- A minority shareholder, in a minority oppression lawsuit against petrochemical service company.
- A minority shareholder, in a minority oppression lawsuit against software development company.
- An oil well service company, in a fraud and breach of contract suit against a large natural gas producer which settled during trial.
- The president of a software company who was terminated without payment under Deferred Compensation Agreement and Executive Compensation Contract, obtained jury verdict in client’s favor, which was increased on appeal resulting in payment to client of \$989,271.

Admissions

- Pennsylvania
- U.S. District Court - Eastern District of Pennsylvania

- U.S. District Court - Northern District of Texas
- Texas
- U.S. District Court - Eastern District of Texas
- U.S. District Court - Southern District of Texas
- U.S. District Court - Western District of Texas
- United States Court of Appeals for the Fifth Circuit

Memberships

- American Board of Trial Advocates
- College of the State Bar of Texas
- Defense Research Institute
- Houston Bar Foundation
- State Bar of Texas
- Texas Bar Foundation

Education

- University of Texas, BA
- University of Texas School of Law, JD

Recognitions

- 2013–2020, Commercial Litigation, listed in *Best Lawyers in America*© (Woodward/White, Inc.)
- 2005, 2008–2012, 2014–2018, Texas “Super Lawyer” in Business Litigation, listed in *Super Lawyers* (Thomson Reuters)
- 2017, Environmental MVP, listed by *Law360*
- 2015–2016, Litigation: General Commercial Law, listed in *Chambers USA*
- 2016, “Top Rated Lawyer” in Texas, listed in *Texas Lawyer Magazine*