



Scott L. Vernick

Partner

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A nationally ranked trial lawyer, Scott represents a wide array of Fortune 500 companies in sectors that include pharmaceutical, health care, FinTech, and privacy and data security. Accomplished, practical and knowledgeable, Scott combines a strong business acumen with winning strategies at trial.

Scott's recent work includes:

- Defense of a global pharmaceutical company against claims for contractual indemnification for \$50 million arising from underlying Lanham Act litigation. (2017-pending).
- Investigation and prosecution of a global pharmaceutical company's potential claims for failure to supply penalties arising from assets divested by a third-party manufacturer. (2018-pending).
- Investigation and defense of a global pharmaceutical company against potential claims arising from \$25 million milestone payment due at first commercial sale. (2018-pending).

For an expanded list of Scott's cases, please review his [representative matters](#).



For 12 consecutive years, *Chambers USA* has ranked Scott – also previously a BTI Client Service All-star – as a leading litigation attorney in Pennsylvania. According to *Chambers*, clients say Scott is:

- "very savvy, succinct and a strategist. He thinks issues through and instills confidence."
- "thoughtful, dogged and very smart."
- "an indefatigable attorney – when it came to the crunch, he dug in and did what was needed."
- "one of those guys who understands that it's about moving your business forward. He is pragmatic and focuses on business resolution."

- "he emphasizes the importance of early assessment and constant assessment of the merits and weaknesses of a case. He's top-notch."

Over the past decade, Scott has developed a particular fluency in the rapidly evolving field of privacy and data security. He routinely counsels multinational and mid-sized businesses on how to mitigate risk and overcome the challenges posed by the current state and federal enforcement environment. For several years, Scott has contributed to the "Combating Cyberthreats" section of West/Thompson Reuters' [Data Security and Privacy Law](#) guide.

Thought Leadership

A recognized authority on privacy and data security, Scott provides commentary to news outlets ranging from *The Economist*, *The Wall Street Journal* and *The New York Times* to *Forbes*, *The Huffington Post* and *Compliance Week*. Scott's commentary has also appeared on *The O'Reilly Factor*, *The WillisReport*, *Marketplace*, *Studio B with Shepard Smith* and local ABC affiliates.

For more, please see Scott's [News](#) and [Publications](#) pages.

Trial Experience

Scott's broad litigation practice encompasses:

- Licensing and technology transfer agreements
- Intellectual property, trade secrets, employee mobility and unfair competition
- Software and hardware technology service agreements
- Merchant processing and electronic payments
- Mergers, acquisitions and corporate changes-of-control
- Government contracting and procurement
- Commercial lending, FCRA, FDCPA and TILA

Scott is a former member of the firm's Executive Committee and is a former Office Managing Partner of the Philadelphia office, the largest of the firm's 27 offices.

Data Breach 411

Sensitive data. Gone. Stolen by faceless thieves who breached the company's seemingly secure network. But combating potential catastrophe and navigating proper response protocol has never been easier, thanks to an iPhone app launched by Fox. Scott was instrumental in the creation of the app, which promises a guide to swift damage control at the fingertips.

The app is currently available for free in the iTunes Store. To download it, [click here](#).

Honors & Awards



- Martindale-Hubbell "AV" rated
- Named as one of the leading litigation attorneys in Pennsylvania by *Chambers USA* (2007 through 2019)
- Selected to the 2009 BTI Client Services All-Star Team for Law Firms. One of only 176 attorneys nationwide selected for this elite list of lawyers "delivering the absolute best client service" to Fortune 1000 clients.

Practice Areas

- Litigation
- Government Relations
- Privacy & Data Security

Bar Admissions

- Pennsylvania
- New Jersey

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, District of New Jersey

Education

- Georgetown University (J.D., *cum laude*, 1987)
- Trinity College (B.A., 1983)

Memberships

- International Association of Privacy Professionals
- American Bar Association
- Pennsylvania Bar Association
- New Jersey State Bar Association
- Philadelphia Bar Association

Languages

- Hebrew

Representative Matters

- On behalf of a global pharmaceutical company, defense of claims for contractual indemnification for \$50 million arising from underlying Lanham Act litigation. (2017-pending).
- On behalf of a global pharmaceutical company, investigation and prosecution of potential claims for failure to supply penalties arising from assets divested by a third-party manufacturer. (2018-pending).

- On behalf of a global pharmaceutical company, investigation and defense of potential claims arising from \$25 million milestone payment due at first commercial sale. (2018-pending).
- Three pending investigations into misappropriation of proprietary information and trade secrets on behalf of a global pharmaceutical company. (2018).
- *Neuro Kinetics, Inc. v. Balance Disorder Center of New Jersey, Inc., et al.* – defense of claims for misappropriation of trade secrets and conversion of proprietary information. (Western District of Pennsylvania 2017-2018 – settlement reached after motion for judgment on the pleadings filed).
- Prosecution of claims for misappropriation of trade secrets and breach of non-compete agreement against former senior executive of a global pharmaceutical company. (District of New Jersey and JAMS 2016-2017 – settlement reached after complaint and demand for arbitration filed based on forensic evidence).
- Successful defense of UCB Pharma against antitrust, unfair competition and malicious use of process claims in trial and appellate courts. (New Jersey 2014-2016).
- Prosecution of claims for breach of contract and wrongful termination for a high-profile pharmaceutical executive and defense of counterclaims for \$65 million in alleged damages. (JAMS 2015-2018).
- Defense of Merck & Co., Inc. in a multimillion-dollar putative class action against claims for Lanham Act violations and unfair competition, alleging that Merck and other defendants, including Bayer Healthcare, falsely advertised Dr. Scholl's products. (N.D. Ill. 2015-2016 – putative plaintiffs dismissed case during class and merits discovery).
- Defense of a high-profile pharmaceutical executive in three consolidated securities class actions. (Northern District of California 2015-2018 – settlement reached after second motion to dismiss filed).
- Successful prosecution of claims for Nautica Apparel, Inc. in an ICC arbitration in London against Liwa Trading Enterprises, LLC (a UAE enterprise) for declaratory relief and breach of contract under apparel license agreement. Secured award in favor of Nautica Apparel, Inc. for \$1.4 million. (ICC 2015-2018 – enforcement of award pending in the UAE).
- Defense of a global pharmaceutical company against claim for breach of a pharmaceutical license and supply agreement by generic manufacturer. (AAA 2015-2018 – settlement reached after multiple week evidentiary hearing and post-hearing briefing).
- Defense of a global pharmaceutical company against claims by a national pharmacy arising out of a pharmaceutical supply agreement. (AAA 2015-2017 – settlement reached after mediation).
- Defense of Fidelity National Information Services and Complete Payment Recovery Services in class action claims under the Telephone Consumer Protection Act and Fair Debt Collection Practices Act, securing dismissal without requiring class certification process. (E.D. Pa. 2015).
- Successful defense of a global pharmaceutical company against claims for breach of contract under pharmaceutical license agreement, resulting in \$110 million in cost savings.
- Successful defense of First Data Merchant Services Corporation against a putative class action filed by Spread Enterprises, Inc., d/b/a Ola Brasil, arising out of merchant processing agreements. Class certification denied and plaintiff's individual claims dismissed for lack of subject matter jurisdiction. (E.D.N.Y. 2011-2013).
- On behalf of a global pharmaceutical and vision care company – prosecution of claims for breach of contract arising out of a technology license agreement. Settlement reached before arbitration. (ICDR 2011).
- On behalf of a global pharmaceutical and vision care company – defense of claims for infringement and breach of contract brought by a non-practicing entity. Multi-week arbitration. Settlement reached after arbitration hearings. (ICDR 2010-2011).



- Centocor Ortho Biotech, Inc. v. Schering-Plough Corporation, et al. – defense and prosecution of claims arising out of a “change of control” provision stemming from a business combination between Merck & Co., Inc. and Schering-Plough Corporation. Multi-week arbitration. Settlement reached after arbitration hearings. (ICDR 2009-2011).
- Public Consulting Group, Inc. v. Unisys Corporation– defense of claims premised upon a teaming agreement for the design, development and implementation of a Medicaid Management Information System. Settlement reached after three-week arbitration. (AAA 2009-2010).
- The Hartford Fire Insurance Company v. First Health Group, Corp. – defense of claims based on allegations of incorrect payment of claims submitted to workers’ compensation provider network. Deployed early case evaluation to reach a settlement before arbitration hearings. (AAA 2009).
- Schering-Plough, Ltd. v. Centocor, Inc. – successful prosecution of claims under a pharmaceutical license agreement for access to second-generation technology and follow-on drug. Award for declaratory relief in favor of Schering-Plough, Ltd. after multiple week evidentiary hearing. (ICDR 2005-2006).

Data Breach 411

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[Data Breach 411 App](#)

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West/Thompson Reuters’s [Data Security and Privacy Law Guide](#)

See Scott's contributions in the section, “Combating Cyberthreats.”

Publications

- [Data Security Breaches: Are You Prepared?](#)
- [The Internet Privacy Debate Misses the Point](#)
- [Cover Your App: Five Lessons from Recent Data Breaches](#)

