



## Scott L. Vernick

Partner

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A nationally ranked trial lawyer, Scott represents *Fortune* 500 companies in lawsuits that focus on technology, intellectual property, health care, and privacy and data security. For a diverse range of clients, including First Data Corporation, GlaxoSmithKline and Merck & Co., Inc., Scott has tried cases in state and federal courts across the country, and before arbitral forums.

Scott's recent work includes:

- Defending Euphrates, Inc. against derivative and other claims in New York state court. The allegations involve both Euphrates and Chobani Inc., the well-known Greek yogurt company.
- Successful defense of First Data Merchant Services in U.S. District Court for the Eastern District of New York in a putative class action arising out of a merchant processing agreement.
- 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. The case was settled after a multi-week arbitration administered by the International Centre for Dispute Resolution.

For a full list of Scott's recent representative matters, please [click here](#).



For 11 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, restrictive covenants 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 serves as national trial counsel for First Data Corporation, and his clients include:

- Aramark Corporation
- Banc of America Merchant Services, LLC
- Bausch & Lomb
- Fidelity National Information Services, Inc.
- First Data Merchant Services
- GATX Corporation
- GlaxoSmithKline plc
- Hyatt Corporation
- Lockheed Martin
- Magellan Health, Inc.



- Merck & Co., Inc.
- Reyes Holdings, LLC
- Valeant Pharmaceutical, Inc.
- VF Sportswear, Inc.

Scott is a member of the firm's Executive Committee and is a former Office Managing Partner of the Philadelphia office, the largest of the firm's 21 offices.



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

- Named as one of the leading litigation attorneys in Pennsylvania, *Chambers USA* (2007 through 2018)
- Noted for "creative solutions," "wide insight" and "responsiveness" in the Sharplegal global survey of 4,300+ corporate general counsel published by Acritas (2018)
- Named to a list of Trailblazers in Cyber Security Law by *The National Law Journal* (2016)
- Named to the 2009 BTI Client Services All-Star Team for Law Firms (2009)
- Martindale-Hubbell "AV" rated
- Named a "Super Lawyer" by *Philadelphia Magazine* and *Law & Politics Magazine* (2005 through 2018)
- Named to "Super Lawyers Business Edition" in the area of Business Litigation (2013)

### 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

- *Commercial Healthcare Partners, LLC v. Frontline Pharmaceuticals, LLC, Pernix Therapeutics Holdings, Inc., Athyrium Capital Management, LP, Douglas Drysdale and Terence Novak*. Civ. A. No. 15-3132 (E.D. Pa.). Defense of business torts arising out of a nonexclusive marketing/business agreement.
- *CVS v. OraPharma*. AAA Arbitration. Defense of claims arising out of a supply agreement. (AAA 2015 – pending).
- *KVK-Tech, Inc. v. Valeant Pharmaceutical, Inc., et al.* Defense of claims for breach of contract under pharmaceutical license agreement. (AAA 2015 – pending).
- *Nautica Apparel, Inc. v. Liwa Trading Enterprises, LLC*. Prosecution of claims for declaratory relief and breach of contract under apparel license agreement. (ICC 2015 – pending).
- *Novozymes v. Human Genome Sciences and GlaxoSmithKline*. Successful defense of claims for breach of contract under pharmaceutical license agreement resulting in \$110M of cost savings. (ICDR 2013-2014).
- Representation of nationwide debt collector in enforcement action brought by the FTC. (2011-2013).
- *Giray v. Ulukaya, et al.* Case No. 652838 (NY Supreme Court, Manhattan 2012). Defense of Euphrates, Inc. The former wife of the founder of Euphrates, Inc. and Chobani, Inc. alleges that she is the majority shareholder of both Euphrates, Inc. and Chobani, Inc., and has filed derivative and other claims against Euphrates, Inc. for a diversion of corporate opportunity and breach of fiduciary duty.
- *Veitch v. Davis, et al.* Case No. 12-1918 (Berks County, PA 2012). Defense of acquiring bank in a shareholder derivative action.
- *Open Solutions Inc. v. Abington Savings Bank*. Case No. 3:11-CV-00831 (D. Conn. 2012). Prosecution of breach of contract and unfair trade practices claims.
- *Spread Enterprises, Inc. v. First Data Merchant Services Corporation, et al.* Civil Action No. 11-CV-4743 (E.D.N.Y. 2011). Defense of putative class action suit arising out of a merchant processing agreement.
- 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 hearings. (ICDR 2011).



- On behalf of a global pharmaceutical company, defense of a wrongful death action based upon allegations of failing to control access to toxic chemicals. (NJ Superior Court 2011).
- On behalf of a global pharmaceutical and vision care company, defense of claims for infringement and breach of contract brought by a nonpracticing entity. Multi-week arbitration. Settlement reached after arbitration hearings. (ICDR 2010-11).
- *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).
- *Coventry Health Care, Inc., et al. v. Caremark, Inc.* Civil Action No. 3:09-cv-1009 (M.D. Tenn. 2009). Plaintiff Coventry alleged that Caremark improperly approved reimbursements for certain pharmacy claims submitted through the Department of Defense and for certain Medicaid claims for which Caremark billed Coventry.
- *The Hartford Fire Insurance Company v. First Health Group, Corp.* (AAA 2009). 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.
- *Public Consulting Group, Inc. v. Unisys Corporation.* Defense of claims for breach of contract under a teaming agreement for an MMIS program. Three-week arbitration. Settlement reached after arbitration hearings. (JAMS 2008-2009).
- *Southshore Baseball, LLC v. Aramark Sports and Entertainment Services, LLC.* (N.D. Ind. 2008). Defense of a declaratory judgment action arising from a purported termination of a concession services agreement. Motion for summary judgment in favor of Aramark.
- *Medpro, Inc. and Physicians Information Services, et al. v. Syneron, Inc. et al.* (D.N.J. 2008). Defense of claims based on allegations of a denial of service attack and computer hacking.
- *Jacob Apelbaum v. First Data Corporation, et al.* (E.D.N.Y. 2008). Defense of Section 1983 and defamation claims based on statements allegedly made to the United States Secret Service. Summary judgment in favor of First Data Corporation.
- *First Vietnamese American Bank v. STAR Networks, Inc., et al.* (Superior Court of California 2008). Defense of claims based on membership in an electronic payments network. Deployed early mediation strategy to reach a settlement.
- *HT of Highlands Ranch, Inc. v. Highline Capital Corp.* (D.N.J. 2008). Defense of claims under Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961, *et seq.*
- *Unilever Ice Cream v. Jack & Jill Ice Cream Co.* (Bergen County, NJ 2008). Defense of claims for fraud and breach of a distribution agreement.
- *David Ney v. Open Solutions Inc.* (E.D. Pa. 2008). After four-day jury trial, defense verdict in connection with claim by former employee for unpaid sales commissions.
- *John B., et al. v. Dave Goetz, Commissioner, Tennessee Dept. of Finance and Admin., et al.* (M.D. Tenn. 2008). Five-day e-discovery hearing devoted to ESI and cost-sharing issues.
- *First Data Corporation v. Securityholder Representative of Peace Software International, Ltd.* (2008). Deployed early mediation strategy to resolve post-merger claim for fraud and accounting adjustments.
- *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. (ICDR 2005-2006).

- *Elliott Green v. Bennett DeLoney & Noyes, P.C., et al.*, Civil Action No. 3:03-cv-05291-AET-TJR (D.N.J. 2003). Defense of potential class action under the Fair Debt Collection Practices Act (FDCPA) and the Fair Credit Reporting Act (FCRA).
- Representation of global hospitality company and global food services company in matters related to privacy and data security.

## Data Breach 411

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.

### [Data Breach 411 App](#)

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](#).

### 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](#)



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