

## Scott J. Fisher

Partner | Litigation & Disputes

### OVERVIEW

Scott is a trial lawyer who concentrates his practice on complex commercial litigation, with a particular emphasis on class actions. He was formerly managing partner of the firm, and served on its Executive Committee. Scott has considerable jury and nonjury trial experience, and represents clients in state and federal courts throughout the United States. He has advocated for clients in a broad range of matters, including antitrust, fraud and business torts, health care, breach of contract and intellectual property.

He is also a business counselor who guides public and private companies, entrepreneurs and high-net-worth individuals in high-stakes disputes that affect their vital interests. Scott regularly advises businesses on critical operational issues – corporate structure and governance, bankruptcy, and more – to ensure bespoke strategies are in place to protect their interests. He also guides individual clients through sophisticated personal transactions, joint ventures, and governmental investigations.

Clients and peers recognize Scott as an industry leader in litigation and strategic business counseling. In *Chambers USA: America's Leading Lawyers for Business*, Scott is recognized for his "excellent courtroom representation" and for being a litigator who "can credibly negotiate with opposing parties." He is also described as "excellent litigation counsel and a sound business advisor."

Scott spends considerable time speaking, writing and engaging in civic-minded endeavors. He is passionate about advancing equity and inclusion in the legal industry and beyond. He is a member of the firm's Marketing/Client Development and Tax Review Committees. He also serves



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### EDUCATION

Chicago-Kent College of Law (J.D., 1996), with highest honors, Order of the Coif

The Ohio State University (B.A., 1993)

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### ADMISSIONS

Illinois

community and bar-related organizations in various capacities, including as a Trustee of WTTW & WFMT, and is a member of the Economic Club of Chicago. Scott donates significant time to pro bono matters, including court-appointed matters.

## EXPERIENCE

The majority of Scott's practice is devoted to the defense of class action litigation. Representative class action matters include:

- Lead trial counsel in defense of a nationwide class action in the wood-products industry alleging violations of the antitrust laws and seeking billions in damages.
- Lead trial counsel for a health maintenance organization in a putative class action by health care providers alleging inadequate reimbursement.
- Successfully defeated requests for certification of a nationwide class of more than 13,000 putative class members in a product liability matter.
- Obtained dismissal with prejudice for a health maintenance organization in a putative class action alleging antitrust and RICO claims.
- Obtained dismissal with prejudice for a large health system in a putative class action alleging violations of federal and state laws.
- Successfully resolved a putative class action, with dispositive motions pending, for a regional health system against allegations of consumer fraud.
- Successfully opposed a request for consolidation by the Judicial Panel on Multi-District Litigation of putative class actions under federal and state laws.
- Obtained reversal of trial court certification as appellate counsel for a regional health maintenance organization against allegations of "down-coding" by health care providers.
- Successfully resolved a putative class action, with dispositive motions pending, for a national distributor of home health care products against allegations of consumer fraud.
- Defended a multi-national conglomerate in Multi-District Litigation proceedings involving more than 500 consolidated cases seeking to pierce the corporate veil and hold the conglomerate responsible for the alleged product liability of its domestic subsidiary.
- Trial counsel where the court rejected requests for injunctive relief against an indenture trustee and a putative class of holders of more than \$350 million of public notes surrounding much-publicized defaults of a public company.

In addition to his class action experience, Scott also has substantial experience representing public and private companies, as well as individuals, in complex litigation and investigations. Representative matters include:

- Trial counsel in five-week jury trial on fraud and breach of fiduciary duty claims seeking more than \$550 million.
- Defended *Fortune 25* company, in its capacity as an indenture trustee, in a dispute over the secured status of more than \$1 billion of public debt.
- Trial counsel in week-long arbitration where the final award fully vindicated our clients.
- Obtained summary judgment for litigation funder in dispute over \$30 million.
- Trial counsel for *Fortune 25* company in a multi-week arbitration where the final award rejected all claims against our client.
- Counsel for *Fortune 25* company in connection with varied regulatory investigations.
- Obtained dismissal for *Fortune 25* company in an action under the False Claims Act.
- Trial counsel in lease recharacterization dispute involving several hundred million dollars.
- Trial counsel for *Fortune 25* company in a multi-week arbitration where the interim award vindicated our client.
- Counsel for directors of a publicly-traded REIT in connection with claims of conspiracy, fraud, and defamation by a former executive officer.
- Obtained summary judgment in breach of contract action for a *Fortune 25* company.

## RECOGNITIONS

- *Crain's Chicago Business*, "Notable Litigators & Trial Attorneys" 2023
- *Thomson Reuters*, "Stand-Out Lawyer" since 2022
- *Chambers USA: America's Leading Lawyers for Business*, recommended in "Litigation: General Commercial" from 2009-2018
- *The Best Lawyers in America*, recommended in "Commercial Litigation" since 2021
- *Illinois Super Lawyers*, recommended in "Business Litigation" since 2013
- *Crain's Chicago Business*, "Notable Gen X Leaders in Law" 2019



## NEWS & INSIGHTS

**August 15, 2024 Firm News**

60 Neal Gerber Eisenberg Attorneys Included in 2025 *Best Lawyers In America*

**January 29, 2024 Firm News**

Thirty-One Neal Gerber Eisenberg Attorneys Recognized on 2024 Illinois Super Lawyers List

**August 17, 2023 Firm News**

55 Neal Gerber Eisenberg Attorneys Included in 2024 *Best Lawyers In America*

**03.13.23 Firm News**

Three Neal Gerber Eisenberg Attorneys Named to *Crain's Chicago Business* 2023 Notable Litigators & Trial Attorneys

**August 18, 2022 Firm News**

60 Neal Gerber Eisenberg Attorneys Included in 2023 *Best Lawyers*

**June 22, 2022 In The Media**

Robert Gerber and Scott Fisher Discuss Law Firm Succession Planning with Aon Professional Services

**August 18, 2021 Firm News**

52 Neal Gerber Eisenberg Attorneys Included in 2022 *Best Lawyers*

**May 17, 2021 In The Media**

Scott Fisher Interviewed by Aon's The One Brief on Law Firm Succession Planning

**May 3, 2021 In The Media**

Scott Fisher Quoted in Law360 on Law Firm Succession Planning

**April 14, 2021 In The Media**

Bobby Gerber Interviewed by Law360 on New Managing Partner Role

**April 8, 2021 Firm News**

NGE Announces New Managing Partner

**January 26, 2021 In The Media**

Scott Fisher Interviewed by Aon's Law Firm Management Advisory on Law Firm Succession Planning

**September 16, 2020 Firm News**

Neal Gerber Eisenberg Achieves Mansfield 3.0 Certification

**August 19, 2020 Firm News**

46 Neal Gerber Eisenberg Attorneys Included in 2021 *Best Lawyers*

**June 15, 2020 In The Media**

Scott Fisher Quoted in *Law360* on Law Firm Headcounts

**June 10, 2020 Publication**

**Perspective on Real Change: What Diversity, Inclusion and Equality Means to Us**



**February 3, 2020 Firm News**

Illinois Super Lawyers 2020 Recognizes 39 Neal Gerber Eisenberg Attorneys

**December 10, 2019 In The Media**

Scott Fisher Participates in *Crain's* Business Success Roundtable

**October 18, 2019 Event**

Diversity & Inclusion in the Legal Profession: Challenges & Best Practices

**September 16, 2019 In The Media**

Scott Fisher Quoted in Law.com Article on NGE's Mansfield Certification

**June 4, 2019 Firm News**

Managing Partner Scott Fisher Named to Crain's 2019 Notable Gen X Leaders in Law

**February 20, 2019 In The Media**

Scott Fisher Interviewed by *Law360* on Leadership and Changes in the Legal Industry

**December 7, 2018 Firm News**

Steven Pflaum Honored by the Illinois Judges Association

**August 29, 2018 Firm News**

NGE Commits to Mansfield Rule 2.0 Law Firm Diversity Initiative

**July 9, 2018 Firm News**

Neal Gerber Eisenberg Names Scott J. Fisher Managing Partner

**July 9, 2018 Firm News**

Firm Represents Fonterra Co-operative Group in Sale of Interest in DairiConcepts

**July 9, 2018 Firm News**

41 Neal Gerber Eisenberg Attorneys Listed in 2016 Illinois Super Lawyers

**July 9, 2018 Firm News**

Neal Gerber Eisenberg Celebrates 30th Anniversary; Makes \$30,000 Donation to All Stars Project of Chicago

**July 9, 2018 Firm News**

Chambers USA Ranks 11 Neal Gerber Eisenberg Practice Groups and 20 Attorneys in the 2016 Edition

**July 9, 2018 Firm News**

Neal Gerber Eisenberg Recognized by Equality Illinois for LGBT Inclusiveness and Equality

**July 6, 2018 Firm News**

Chambers USA Ranks 11 Neal Gerber Eisenberg Practice Groups and 21 Attorneys in the 2017 Edition

**June 26, 2018 Firm News**

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 26 Recognized Attorneys in the Chambers USA 2018 Edition