



Scott L. Davis

PARTNER

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OVERVIEW

Scott's decades of experience across the United States and internationally enable him to find strategic solutions to even the thorniest business disputes.

In addition to being a successful litigator, he's a skilled advisor, partnering with clients to develop strategies for mitigating loss exposure and risk. Scott leads Husch Blackwell's national Insurance coverage and litigation team.

Scott has spent hundreds of days in trial or in arbitration, and has handled a broad array of complex cases such as insurance coverage and bad faith claims, environmental disputes (including CERCLA cost recovery actions), financial disputes (including litigation involving securitized loan trusts), business litigation (including partnership disputes, breach of fiduciary duty claims, securities fraud, trade secrets, and D&O defense), and personal injury litigation (including aviation crashes, trucking accidents, products liability, mass torts and professional liability). Just as importantly, Scott partners with clients to strategically guide them through the evaluation and resolution of novel legal issues that create business risk. He focuses especially on developing customized strategies for identifying, assessing and mitigating potential loss exposures.

"Scott can litigate coverage or defense of unique and complicated matters."

— Client Feedback, *Chambers USA*
2023

Industry

Financial Services & Capital Markets

Services

Asbestos Litigation

Commercial Litigation

Environmental Remediation & Superfund

Financial Services Litigation

Insurance

Litigation & Alternative Dispute Resolution

Professional Liability Litigation

As an example, Scott and his team conducted the first-ever comprehensive reserving analysis of a \$2 billion book of claims for one of the world's largest insurance companies. As part of that analysis, Scott and the team: 1) helped develop new reserving methods to better estimate potential losses and stabilize the reserves on currently pending claims; 2) developed an entirely new reserving protocol that has been used as a model for other risk exposures; and 3) developed unique and effective loss-mitigation strategies for many of the largest risks within the portfolio, which resulted in very significant savings for the client. Some of those loss-mitigation strategies included use of subrogation claims, reinsurance recoveries, policy buybacks, asset sales, regulatory relief and real estate workouts.

Experience

- Secured summary judgment in federal court confirming that AIG Specialty Insurance Co. had no coverage obligation to two energy companies under an environmental remediation policy on a \$100 million claim, and successfully defended that judgment on appeal to the Fifth Circuit.
- Hired mid-litigation as lead counsel for two large sureties in declaratory judgment action against a contractor and international, government-owned bank. The California federal case involved significant claims and counterclaims against the sureties under transportation-related bonds and indemnity agreements.
- Negotiated settlement with the New Jersey Meadowlands Commission and the New Jersey Department of Environmental Protection that resolved client's liabilities on a \$140 million surety bond applicable to contamination at certain portions of the Meadowlands, while also providing the client an opportunity to recoup monies it had paid under the bond.
- Won dismissal of a bad faith lawsuit brought against an insurer by a lender in Puerto Rico. The trial court found that the lender failed to state a claim upon which relief could be granted as a matter of Puerto Rico law.
- Represented an insurer as subrogee in two CERCLA proceedings against the United States. The insurer issued a specialty lines environmental pollution policy to a former military ordnance manufacturer. The insurer sought contribution for response/cleanup costs that it paid on its insured's behalf in connection with two different manufacturing sites. The insurer is one of the first to successfully bring a CERCLA subrogation action under section 9612 of CERCLA in the Ninth Circuit.

Experience

- Successfully represented UBS Warburg in nine lawsuits brought in state and federal court by a loan servicer of three different commercial mortgage-backed securities trusts alleging that more than \$1 billion in loans had been improperly originated and sold to the trusts.
- Successfully represented a client in more than a dozen arbitrations in seven states involving hundreds of securitized commercial real estate loans insured under secured creditor policies.
- Negotiated favorable settlement for an insurer during Freedom Industries' bankruptcy proceeding, and ultimately obtained bankruptcy court approval of the settlement despite objections from several parties.
- Successfully represented client in the trial of six wrongful death cases involving the crash of a corporate aircraft in Malaysia, resulting in a substantial loss-of-inheritance claim in Texas state court.
- Successfully represented an international reinsurer in a series of disputes in state, federal and bankruptcy courts with the managing general agent of a non-standard automobile insurance program. The dispute involved not only the termination of the MGA contracts and litigation over premium recoveries, but the assessment of reserves, management of all pending claims and implementation of loss-mitigation strategies.
- Obtained verdicts on behalf of both plaintiffs and defendants in a wide variety of cases, including coverage litigation, a diverse range of business disputes, and both personal injury and property damage claims. These include verdicts in both state and federal court, both domestic and international arbitration forums, and adversary proceedings in bankruptcy court.
- Argued appeals in state court in both Texas and New York, and before the Fifth, Sixth and Ninth federal circuit courts.

Recognition

- BL Rankings' *The Best Lawyers in America*®, Commercial Litigation, 2015-2024
- *Chambers USA*, Insurance Law, 2020-2023, *Recognized Practitioner*, 2018-2019

Education

- J.D., University of Tennessee College of Law
 - with high honors
 - Order of the Coif
 - National Trial Competition, National Semifinalist
- B.A., Wright State University

Admissions

- Texas
- U.S. District Court, District of Colorado
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Supreme Court

Community Leadership

- Dallas Theater Center, Board of Trustees and Executive Committee
- Everlasting Light Productions, Producer
- Kitchen Dog Theater, Vice-President



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