

# SCOTT NEILSON

Attorney, Shareholder

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"Clients trust me to fix their problems. I am known for rolling up my sleeves to figure out the best approach, provide insightful advice, and achieve a solid solution."

## ABOUT ME

**When there is a contentious issue that may present a liability concern, clients turn to me for the breadth of knowledge and broad perspective that comes with my 30 years of experience handling a wide variety of matters.**

Whether I am providing counsel, handling a project, or managing litigation across the country as National Coordinating Counsel, clients rely on me to analyze the situation and resolve the problem quickly and cost effectively. I represent individuals, small businesses, and large corporations nationwide with litigation matters, including:

- business
- product liability
- contract
- fraud
- negligence
- shareholder
- employment
- real estate

My pragmatic approach focuses on minimizing risk, avoiding litigation whenever possible, and bringing the issue to a close. I will listen to gather the facts and discern your goals, advise on the best course of action, and work diligently to achieve it. I am comfortable talking with everyone, from the crew on the factory floor to those in the executive suite, enabling me to dig to the bottom and ensure all facts are considered.

I aim to be an excellent ambassador for my clients. Readily available and highly responsive, I often serve as a first responder for clients when staff attorneys are unavailable. I treat my clients like family because I care and want the best for them.

It is incredibly rewarding to make a tangible difference, providing my clients with the comfort of knowing that no matter what the future holds, they will be prepared for it.

## CLIENTS SAY:

"Scott is intelligent, intensely-focused and practical. He is a great asset to any business as he combines strong advocacy with great business sense."

"He is incredibly responsive, very proactive and pragmatic, and incredibly effective at getting results."

"You can trust Scott 100 percent; he is very strategic, hardworking and committed."

"Scott is brilliant and his intelligence helps me sleep at night; I know he has my back and is protecting my best interests."

"When I bring Scott into a matter, my blood pressure immediately lowers because I know he will have it under complete control and drive it to a good resolution."

"He's a fierce advocate and isn't afraid to dig in on tough issues. I know that Scott can resolve any problem I give him."

"Scott always imparts a sense of calm to his clients. He is strategic in his thinking and intentional with his advice."

## RESULTS

### BUSINESS AND CONTRACT LITIGATION

- Led Starkey Hearing Technologies' high-profile internal investigation that resulted in criminal conviction of former president in \$20 million fraud scheme, and guilty pleas by former chief financial officer and subsidiary president
- Successfully resolved \$25,000,000 commercial dispute, while preserving business relationship with customers
- Successfully resolved \$10,000,000 claim, with potential for far larger damages, all while minimizing expense for



## SERVICES

### Litigation

- Business Litigation
- Insurance Coverage and Defense Litigation
- Local Counsel Services
- Non-Compete and Trade Secret Litigation
- Products Liability and Mass Tort Litigation
- Shareholder and Securities Litigation

## CREDENTIALS

### EDUCATION

- J.D., magna cum laude (Top 3%), University of Minnesota Law School, 1993
- B.A., with high honors (Top 10%), University of Notre Dame, 1990

### BAR ADMISSIONS

- Minnesota
- United States District Court for the District of Minnesota
- United States Court of Appeals for the Eighth Circuit
- Multiple state and federal court admissions, pro hac vice

### HONORS

- Listed in The Best Lawyers in America® 2020, Product Liability Litigation - Defendants; 2021-2025, Litigation - Insurance, Product Liability Litigation - Defendants
- Selected for inclusion in Minnesota Super Lawyers®, 2004-2024
- North Star Lawyer, Honored by Minnesota State Bar Association for commitment to pro bono service, 2012-2016, 2019-2023
- Selected as a BTI Client Service All-Star/AcritisStar®, 2017-2022
- Selected for inclusion in Minnesota Super Lawyers-Rising Stars® Edition 2000-2004
- AV® Preeminent peer review rated by Martindale-Hubbell
- Order of the Coif, University of Minnesota Law School
- National Moot Court Director and Competition Team

RECOGNIZED BY  
**Best Lawyers**

RATED BY  
**Super Lawyers®**

**Scott A. Neilson**

**20 YEARS**

**North Star  
LAWYER**

 **AcritasStar**  
Independently rated lawyer

client and obtaining future business

- \$3,500,000 recovery for client in commercial dispute concerning UCC, warranty and contract claims, despite the other side's economic and business leverage
- \$3,500,000 recovery for client in warranty and contract dispute
- Multi-million dollar result for client in contract dispute over the sale of a business
- Multi-million dollar victory for client over business contract claims
- Successfully resolved multi-million dollar claim brought against client, and defrayed client's contribution by obtaining the majority of the settlement amount by recovering on client's claims against third parties
- Obtained favorable result for client on \$1,700,000 contract claim
- National coordinating counsel for litigation involving large corporation with diverse interests
- Trial victories for businesses on product liability and contract claims
- Representation of businesses and individuals in all types of contract, collection and fraud matters
- Representation of businesses in class action litigation
- Representation of businesses and individuals in ERISA litigation
- Prior representation of large corporations involved in MSG and vitamin anti-trust litigation
- In a case where an anonymous person posted false and maliciously defamatory statements on the internet about client, through a series of legal proceedings obtained the identity of the anonymous poster - a competitor - sued and obtained damages from the competitor, and separately obtained an arbitration award whereby the internet site informed the public that the defamatory information was false

#### **PRODUCT LIABILITY LITIGATION**

- Successfully defended large pool products manufacturer in high-profile national media case involving the evisceration of a young girl in a wading pool at a private country club, in which plaintiffs initially sought more than \$30,000,000 in future medical expenses alone, by obtaining admissions in depositions from the other defendant, the private country club, to pinpoint the cause on a series of maintenance failures by the other defendant
- National coordinating counsel for numerous defendants involved in asbestos and other product-liability litigation
- Successfully resolved consolidated case involving hundreds of claims against manufacturer

#### **REAL ESTATE LITIGATION**

- Successful litigation of numerous real estate cases involving, among others, disputes concerning title, prescriptive easements, cartways, property lines, contracts for deed, mortgages, equitable mortgages, predatory lending, and special assessment appeals
- Favorable jury verdict for client involving the interpretation over the terms of the sale of property, despite developer's accurate position that real estate crash made it economically impossible to continue with development
- Trial victory for struggling, small business owner, who retained ownership of land and shed himself of fraudulent lease and contract for deed perpetrated by very wealthy individual
- Trial of special assessment appeal in which court wholly disregarded municipality's appraisal
- In case where co-defendant, the State of Minnesota, had agreed to deed approximately 10+ acres of wooded land and lakeshore property because the State did not believe it had any valid defenses to defeat plaintiffs' legal arguments that plaintiffs held fee title to the land, aggressively defended case for lakeshore cabin owner and obtained summary judgment preserving client's property (and the DNR thus retained its land as well), relying on statutes and legal arguments of first impression in Minnesota and using history going back to the 1860s
- Summary judgment for client involving prescriptive easement and cartway claims, where if title claims were lost client's business would have been forced to close
- Successfully litigated case involving prescriptive easement claims to obtain improved deeded access to Lake Minnetonka
- Summary judgment for farmer involving ownership of land
- Summary judgment for farmer against suit brought by municipality, so farmer did not need to move miles of barbed-wire fence
- Summary judgment for homeowner against contractor for fraud and theft, with contractor losing its license
- Obtained successful result for client against County's claim that government action in 1930s cut-off client's access rights by locating evidence from 1910s and 1920s to defeat the government's claims
- Obtained title to home and forgiveness of all debt for client who was victim of wrongs perpetrated by an attorney, and attorney was suspended
- Obtained title to home for elderly lady who was taken advantage of by unscrupulous family members
- Favorable settlements for clients involved in condemnation matters
- Successful use of "Buy the Farm" statute involving utilities' condemnation of property
- Settlement of multiple claims involving title insurance
- Representation of contractors and homeowners in construction litigation

#### **INSURANCE COVERAGE**

- Obtained numerous multi-million dollar recoveries for policy holders against insurance companies in various insurance coverage disputes
- Represented insurance companies as well in coverage matters
- Settlement of multiple claims involving title insurance

#### **WILLS, TRUST AND ESTATE LITIGATION**

- Multi-million dollar recovery for client in estate litigation over the construction of a will, which involved complicated issues of first impression in Minnesota

- Representation of individuals and fiduciaries in trusts and estates litigation

#### **SHAREHOLDER LITIGATION**

- Represented numerous individuals and companies in shareholder litigation on issues related to breach of fiduciary duties, conflicts of interest, minority shareholder disputes, valuation and buy-out

#### **EMPLOYMENT LITIGATION**

- Representation of employers and employees with respect to non-competition agreements, trade secrets, discrimination, contracts, employee benefits, employee handbooks and other employment issues
- Representation of businesses and individuals on independent contractor status matters
- Representation of businesses and individuals on compensation and commission claims
- Representation of businesses on FLSA and ADA claims

#### **INTELLECTUAL PROPERTY LITIGATION**

- Representation of businesses on trademark and other intellectual property claims
- Successfully forced numerous businesses to change their names so as not to dilute the marks of various clients
- Successfully obtained recovery for contractor client in case involving misappropriation of blueprints
- Successfully defended business on claims that it misappropriated intellectual property of a service company

#### **LEGAL MALPRACTICE**

- Obtained multiple recoveries for clients who, unfortunately, were not served well by their previous attorneys, on claims as diverse as real estate, estate planning and taxes

#### **ASSOCIATIONS**

##### **PROFESSIONAL**

- Defense Research Institute
- Hennepin County Bar Association, Civil Litigation Section
- Minnesota State Bar Association
- American Bar Association, Litigation Section
- Federal Bar Association

##### **COMMUNITY**

- Youth Coach, Champlin Dayton Athletic Association
- Lector and Commentator, St. Stephen's Church
- North Star Lawyer, Honored by Minnesota State Bar Association for commitment to pro bono service

#### **THOUGHT LEADERSHIP**

- Co-Author, "Coronavirus and Insurance Coverage: Does your business have insurance coverage for losses caused by the coronavirus pandemic?" Henson Efron Thought Leadership, March 2020



**HENSON EFRON**