



Scott R. Magee

Member

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Scott is an experienced litigator and corporate counselor representing clients in state and federal court, at trial, and on appeal. He has handled multiple jury trials, bench trials, and complex arbitrations. He regularly handles litigation, arbitration, and pre-litigation dispute resolution on matters related to mergers and acquisitions, employment, trade secret, product liability, securities, FCPA, and widespread corporate governance matters. Scott has also represented numerous parties in interest and creditors in bankruptcy court.

His clients span a wide variety of industries including biotech, pharmaceutical, healthcare, telecommunications, software, construction, and real estate. Scott also has substantial experience performing internal investigations in response to requests from management, boards of directors, or government agencies concerning issues such as corporate governance, insider trading, and revenue recognition. Prior to law school, Scott was an organic chemist, and he brings that knowledge and experience to the work he does for clients in the biotech, healthcare, and pharmaceutical industries.

Scott was named a "Rising Star" by Super Lawyers Magazine for the years 2010-2017 for the category of business litigation. In addition to his litigation experience, Scott regularly advises clients in connection with various business transactions and agreements to assist them in avoiding costly and time-consuming litigation in the future.

Scott taught international law and advocacy at Boston College Law School as part of the Philip C. Jessup International Law Moot Court program for 12 years. He has judged the annual Jessup competition in Washington DC, New York, Paris, Guatemala, Colombia and Switzerland. He has also guest lectured on international law and advocacy in connection with the Jessup program at the University of Stirling in Scotland and Ilia State University in Tbilisi, Georgia.

Representative Matters

- Obtained a preliminary injunction in federal court on behalf of a manufacturer of near infrared analyzers enjoining two competitors and several former employees from using or disclosing

Education

Boston College Law School, J.D.

Boston University, M.A.

University of Wisconsin, B.S.

Admissions

Massachusetts

U.S. Courts of Appeals for the First Circuit

U.S. District Court, District of Massachusetts

Practice Areas

Alternative Dispute Resolution

Business Litigation

Corporate Governance

Employment Litigation

Litigation

Securities

Industries

Life Sciences

Recognition

the client's trade secrets and confidential information, as well as prohibiting those competitors from selling certain products and services to existing customers of the client. After an 11 day trial, obtained a successful jury verdict awarding a multimillion damage award to his client.

- Obtained a federal court jury verdict of \$7.5 million in favor of a software manufacturer against its reseller for breach of sales and services contracts, while defeating counterclaims seeking \$23.5 million for alleged breach of fiduciary duty and breach of contract. Successfully defended the jury verdict on appeal in the U.S. Court of Appeals for the First Circuit. *ITyX Solutions AG v. Kodak Alaris, Inc.*, 952 F.3d 1 (1st Cir. 2020).
- As lead counsel, successfully represented a manufacturer and installer of solar fields in a multimillion dollar arbitration brought against it by owner of solar field alleging claims of delay, defective design, and defective construction, defeating \$5 million in claims and recovering all unpaid amounts owed to his client.
- Successfully represented a health care company in multiple state and federal court appeals by former company executives claiming rights under an asset purchase agreement after sale of a hospital in bankruptcy court. *Gupta v. Quincy Medical Center, a Steward Family Hospital, Inc.*, 858 F.3d 657 (1st Cir. 2017); *Gupta v. Quincy Medical Center, a Steward Family Hospital, Inc.*, 2017 WL 6002751 (Mass. App. Ct. 2017).
- Obtained summary judgment in Bankruptcy Court on behalf of a mortgage lender against claims of unfair and deceptive trade practices. *In re Chase*, 578 B.R. 43 (Bankr.D.Mass. 2017).
- Represented pharmaceutical companies asserting claims for breach of confidentiality agreement protecting trade secrets used in drug development process.
- Represented publicly traded companies in internal investigations relating to FCPA concerns, alleged misstatement of financials, insider trading, and revenue recognition issues.
- Represented the acquirer in a post-closing indemnification dispute arising out of a stock purchase agreement through trial and appeal.
- Obtained summary judgment on behalf of an automobile finance company against claims of fraud and breach of contract brought in federal court by an automobile dealer. *Rod James CJD, LLC v. Chrysler Motors, LLC*, 2010 WL 2342490 (N.D. Ohio 2010).



MA Rising Stars 2010-2017

Speaking Engagements

Speaker on "Bad Boys of Bankruptcy" by the American Bar Association Business Law Section

Publications

Remote Arbitration: Embrace it or Avoid it?

Top 7 Tips for Handling Internal Investigations

What to Expect When You're Expecting Litigation

J.G. Payne, S. Magee, S. Ratzan, "Ethics in Health Communication," Crisis Communication and Public Health, edited by Matthew Seeger, Hampton Press, 2008.

Abdel-Meguid, et al., "Compounds and Methods for the Treatment of Thrombosis," US Patent No. 7,217,794, issued May 15, 2007.