

# Robert F. Scoular

## Partner



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Los Angeles

D +1 213 892 5003

robert.scoular@dentons.com

## Overview

Robb Scoular is a trial and appellate attorney specializing in complex litigation. He has been lead counsel in a broad range of litigation, including class actions, shareholder derivative suits, patent, copyright and trademark infringement, trade secret misappropriation, unfair competition, government contracts, False Claims Act (*qui tam*), antitrust, securities, finance, real estate, contracts, environmental, labor and employment, products liability, and commercial disputes.

Robb has broad experience and expertise in aviation industry counseling and litigation, grounded on an aerospace engineering degree and experience. He has been lead counsel in a wide spectrum of aviation litigation, ranging from cases involving product and warranty issues, to purchase and lease agreement disputes, to aviation accident cases. Robb's representations include lead counsel in multidistrict litigation arising out of the crash of an MD-83 aircraft, Alaska Airlines Flight 261, fatally injuring all 88 persons onboard.

## Experience

Some of Robb's significant retentions include:

- Representation of Raytheon Missile Systems in litigation for damages of over \$110 million for a contractor's failure to manufacture and deliver specification-compliant rocket motors for the AMRAAM missile.
- Representation of Raytheon Missile Systems in arbitration for recovery of damages for a contractor's supplying of defective parts for the Tomahawk Cruise Missile, with judgment for \$25 million in damages and attorneys' fees.
- Representation of McDonnell Douglas in suits involving contracts for the purchase of various aircraft, collectively totaling over \$3 billion in controversy.
- Representation of Boeing and McDonnell Douglas in successfully defending suits seeking over \$750 million by Hyundai Space and Aircraft Company in the United States and Korea arising out of a contract to manufacture wings for Boeing commercial aircraft.
- Representation of McDonnell Douglas in the largest claim ever filed by a defense contractor against the U.S.

Government, arising out of the Government's termination of a contract with McDonnell Douglas and General Dynamics for the design, development and manufacture of the U.S. Navy A-12 attack aircraft.

- Representation of Hughes Electronics Corporation, The Boeing Company and Boeing Satellite Systems, Inc. in a suit by AssureSat, Inc. alleging that Hughes and Boeing misappropriated AssureSat's trade secrets related to the design of reconfigurable, "back-up" communications satellites.
- Representation of McDonnell Douglas and Boeing in suits brought under qui tam provisions of federal False Claims Act, collectively seeking over \$450 million in damages. Obtained rulings by U.S. District Court and U.S. Court of Appeals invalidating Department of Justice regulation purporting to authorize ex parte contacts with represented parties. First argument of challenge to constitutionality of 1984 amendments to the False Claims Act.
- Representation of McDonnell Douglas in defense of 24 suits filed by 74 plaintiffs (representing 128 claimants) against McDonnell Douglas (lead defendant) and 50 other defendants arising out of fire in Gypsum Canyon, California, which burned over 17,000 acres and destroyed over a dozen homes, with damages sought in excess of \$120 million.
- Representation of inventors in suit against propeller manufacturer (division of Cessna Aircraft Company) for trade secret misappropriation and other claims.
- Representation of the City of Santa Ana, California against putative class actions in state and federal courts challenging enforcement of automated traffic camera citations and seeking recovery of fines.
- Representation of corporate director in shareholder derivative suit against the officers and directors of Computer Sciences Corporation alleging stock option backdating.
- Representation of Consumerinfo.com, a subsidiary of Experian Group Limited, in litigation over Internet marketing of consumer credit monitoring products.
- Representation of Toyo Tire and Rubber Co., Ltd. in litigation challenging termination of distributorship of Toyo Tires in the country of Mexico.
- Representation of Fidelity National Financial, Inc. and related companies in litigation involving multimillion-dollar telecommunications contracts, state tax disputes, title Insurance claims, and other matters.
- Representation of Los Angeles Area Council, Boy Scouts of America, in defending suit by the Sierra Club and other environmental organizations challenging the sale of 2,400 acres of property by the Boy Scouts to a city and its redevelopment agency, based on allegations of failure to comply with California environmental and redevelopment laws.
- Representation of Allstate Insurance Company against suit by insured claiming underinsurance of apartment building destroyed in Malibu fires.
- Representation of Anheuser-Busch, Inc. in litigation involving defective design and construction of grain storage bin bottoms at Anheuser-Busch's Van Nuys, California facility, layoff by Anheuser-Busch of over 100 employees, and other matters.
- Defense of Texaco, Inc. against claim of encroachment of pipeline on private property.
- Representation of Enterprise Rent-A-Car Company in class actions challenging rental contract collision damage waiver provisions and for alleged unfair competition and violation of Consumers Legal Remedies Act (challenging cash deposit provisions of Enterprise's rental contracts).
- Representation of Enterprise Rent-A-Car Company in suits alleging unfair restraint of trade, unfair business practices, unfair competition and other causes of action.
- Representation of Brown Shoe Company in trademark, employment, real estate and contract litigation.
- Representation of May Department Stores Company in litigation by major real estate developer/owner involving right to possession of Robinsons-May department stores in a large shopping mall in California under

long-term ground lease.

- Representation of The Irvine Company, the largest landowner/developer in Orange County, California, in trademark infringement and unfair competition litigation.
- Representation of ITT Corporation, ITT Commercial Finance Company (later known as Deutsche Financial Services) and nine individuals, including the chairman of the board of ITT, in a suit by 156 plaintiffs for \$1.3 billion under lender liability claims. First appellate decision on the retroactivity of the "Doe" amendment to federal removal statute.
- Representation of ITT Diversified Credit Corporation and ITT Commercial Finance (later known as Deutsche Financial Services) in suits by borrowers alleging lender liability and other theories in connection with the financing of automobiles, motorcycles, recreational vehicles, boats, computers and other personal property.
- Representation of selling officers/shareholders of a chain of automobile tune-up shops sold to Tune-Up Masters and Andy Granatelli against suit by purchasers for alleged violation of Section 10(b)-5 and fraud.
- Representation of securities broker in litigation and trial for alleged violation of Section 10(b)-5.
- Representation of owner of automobile dealership against charges of arson (obtained acquittal) and of bank owner/CEO against charges of illegal political contributions and other charges (obtained acquittal on one charge and dismissal of remaining charges on grounds of prejudicial pre-indictment delay and prosecutorial misconduct; affirmed on appeal).

## Recognition

Robb is listed in *Who's Who in American Law*, *Who's Who in America*, and *Who's Who in the World*. He is recognized by *The Legal 500* in the area of Commercial Litigation, 2015. He has been recognized by *California Law Business*, a supplement to the *San Francisco Daily Journal* and *Los Angeles Daily Journal*, as one of California's leading "rainmakers," by *Law and Politics Management* and *Los Angeles Magazine* as one of Southern California's "Super Lawyers," and by the *Los Angeles Business Journal* for its "Who's Who in L.A. Law --The Best of the Bar."

Robb is a recipient of the Boy Scouts' National Distinguished Eagle Scout Award, Silver Beaver Award, Council President's Leadership Award, Daniel Carter Beard Award, Hall of Fame Award, and John R. Northrop Exceptional Outdoor Leadership Award. He is the recipient of St. Louis University's "Outstanding Senior Award," is an Honorary Dean in the University's DuBourg Society, and is a member of the Law School's Dean's Council.

## Insights

Robb has written and spoken on the subjects of trial and appellate litigation. He has served on the faculty of an annual Practising Law Institute intellectual property program, and was a faculty member on the subject of financial expert witnesses at the PricewaterhouseCoopers Leadership Forum on Intellectual Property and Complex Commercial Litigation. He also has served on the Planning Committee of the USC School of Law Intellectual Property Institute.

Robb's publications range from a law journal article, "Wiretapping and Eavesdropping -- Constitutional Development from Olmstead to Katz," 12 ST. LOUIS U.L.J. 513 (1968) (lead article), cited by Justice Harlan in *United States v. White*, 401 U.S. 1122, 1135 n. 4 (1971), to writings on intellectual property, trial practice, space law, trade secrets, lender liability, and computer piracy and privacy.

## Activities and Affiliations

## Memberships

Robb is past Chairman of the 75-member Board of Directors of Public Counsel (the largest pro bono public interest law firm in the United States), serves on the Executive Committee of the Board of Directors, and lead Dentons' pro bono efforts, which were recognized by Public Counsel with its Law Firm Pro Bono Award, presented by California Chief Justice Ronald M. George.

Robb has served as President and Chair of the 62-member Board of Directors of the Los Angeles Area Council of the Boy Scouts of America, which serves 25,000 youth in greater Los Angeles, and is the Council's General Counsel. He chaired the Council's successful \$15 million capital campaign to rebuild and expand the Council's Lake Arrowhead Camp after forest fires devastated the camp in 2003.

Robb is Chair and on the Board of Executive Service Corps of Southern California, and has served on the Board of Governors of the Association of Business Trial Lawyers and as chair of its Courts Committee. He is a member of the Chancery Club and the Lincoln Club.

## Prior and Present Employment

Following graduation from law school, Robb was law clerk for Chief Judge Charles J. Vogel of the United States Court of Appeals for the Eighth Circuit. In 1969, he joined the Bryan Cave law firm in St. Louis. In 1979, he opened the Los Angeles office of that firm and served as its managing partner and head of litigation (growing the office from two to over 50 lawyers). In 1990, Robb joined Dentons, opening its Los Angeles office and serving as managing partner of that office until 2005 (growing the office from three to more than 70 lawyers), a member of the firm's management committee, and head of the office's Litigation, Government Contracts, and Intellectual Property and Technology practice groups.

## Areas of focus

### Practices

- Appellate Advocacy
- Arbitration
- Competition and Antitrust
- Intellectual Property and Technology
- Litigation and Dispute Resolution

### Industry sectors

- Aviation and Aerospace
- Defense and Space
- Financial Institutions
- Government
- Insurance
- Manufacturing
- Space Business
- Technology

- Transportation

## Education

- St. Louis University, 1968, JD
- St. Louis University, 1964, BS, Aerospace Engineering

## Admissions and qualifications

- California
- US Court of Appeals for the Eighth Circuit
- US Court of Appeals for the Ninth Circuit
- US Court of Appeals for the Seventh Circuit
- US Court of Federal Claims
- US District Court for the Central District of California
- US District Court for the Northern District of California
- US District Court for the Southern District of California
- US Supreme Court