

FOULSTON

ATTORNEYS AT LAW



SCOTT C. NEHRBASS

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PROFILE

Scott Nehrbass is an experienced trial lawyer, with more than 25 years of experience handling complex commercial litigation for corporate clients from a wide variety of industries. He has tried cases in Kansas state and federal courts, as well as in Missouri and Alabama, and argued appeals before the Tenth Circuit, Kansas Supreme Court and Kansas Court of Appeals. Scott has led Kansas-based trial lawyer organizations, including serving as President of the Kansas Association of Defense Counsel, and he is currently Chair of the Johnson County (Kansas) Bar Association's Civil Litigation Section. Scott has tried cases before a number of the currently sitting Kansas federal judges and Johnson County, Kansas state court judges, including federal judges Crabtree, Lungstrum, Vratil, Murguia, Robinson, and Melgren, and state court judges Sutherland, Vano, and Mason. He has argued significant matters before these judges, as well as sitting judges Droege, Gurney, and Hauber. During his clerkship with former Kansas federal judge Monti L. Belot, Scott gained considerable courtroom experience and insight into trying a case.

Most recently, Mr. Nehrbass first-chaired an 11-day federal jury trial in which the jury returned a verdict for \$12.6 million in favor of Foulston's client. The Kansas City Business Journal's coverage of the trial is [here](#). Mr. Nehrbass also recently lead the Foulston team to success in an ERISA class action that was also featured in the Kansas City Business Journal.

Scott enjoys Martindale-Hubbell Law Directory's highest "AV" rating for lawyers and has been selected by his peers for inclusion in *The Best Lawyers in America*® and the *Missouri & Kansas Super Lawyers*®. *Best Lawyers*® named him 2016 Kansas City, KS Personal Injury Litigation – Defendants "Lawyer of the Year" and 2013, 2017, and 2020 Kansas City, KS Litigation – Intellectual Property "Lawyer of the Year." Since 2013, *Benchmark Litigation* has listed Scott as a "Future Star." His clients have included household-name companies, such as CVS Pharmacies and The Home Depot, national and regional healthcare organizations, such as RadNet, NueHealth, and Valeo Behavioral Healthcare, and various other regional or Kansas City-based corporations, such as AVIVA USA Corporation, Anderson Erickson Dairy, and American Adoptions.

Education

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- University of Kansas (J.D., 1993)
Order of the Coif; Associate Editor - *Kansas Law Review*
- University of Kansas (BA in Economics, Political Science, 1989)
With Distinction

Admissions

- Kansas (1993)
- Missouri (1995)
- Texas (2021)
- U.S. District Court for the District of Kansas (1993)
- U.S. District Court for the Western District of Missouri (1995)
- U.S. District Court for the Eastern District of Missouri (2023)
- U.S. District Court for the Eastern District of Michigan (2019)
- U.S. Court of Appeals for the Tenth Circuit (2000)
- U.S. Supreme Court (2002)

PRACTICE AREAS

- Litigation & Disputes
- ERISA Litigation
- Product Liability
- Insurance Defense Litigation
- Employment & Labor
- Trade Secret & Noncompete Litigation
- Intellectual Property

RELEVANT EXPERIENCE

Mr. Nehrbass has appeared on National Public Radio's "All Things Considered" and been quoted in various print publications featuring cases involving his clients.

Here are just a few examples of Mr. Nehrbass's recent cases:

- Mr. Nehrbass lead the Foulston jury trial team and handled all of the fact witnesses, opening statement and closing argument in an 11-day federal jury trial before the Honorable Daniel D. Crabtree, resulting in a **\$12.6 million verdict** in favor of the firm's client, RadNet.
- Mr. Nehrbass lead the Foulston team in successfully prosecuting a proprietary fund ERISA class action case against Kansas City-based Waddell & Reed Financial, resulting in a **\$4.875 million settlement** and reforms to Waddell & Reed's handling of its 401(k) plan.

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- Mr. Nehrbass represented CVS Pharmacy in a Johnson County, Kansas District Court negligence matter and **successfully achieved summary judgment for CVS.**
- Mr. Nehrbass single-handedly tried to a jury in Clay County, Missouri a significant matter against a well-known Kansas City-based company that was represented by an entire team of lawyers from one of Kansas City's largest law firms. The case involved construction of the new Smithville, Missouri High School football stadium and press box. **Mr. Nehrbass successfully prosecuted the matter to jury verdict and for substantial damages.**

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Identified by Chambers USA as a leading lawyer in the United States in the area of Litigation: General Commercial, 2023
- Selected for inclusion in *Missouri & Kansas Super Lawyers®* List, 2019-2022 (a Thomson Reuters business)
- Selected by peers for inclusion in *The Best Lawyers in America®* in the areas of Commercial Litigation, 2010-2024; Litigation - Banking and Finance, Litigation - Intellectual Property, and Litigation - Real Estate, 2011-2024; Personal Injury Litigation - Defendants, 2013-2024; Litigation - ERISA, 2022-2024; and Mass Tort Litigation / Class Actions - Plaintiffs, 2023-2024
- Named a "Litigation Star" in the area of Dispute Resolution by Benchmark Litigation, 2021-2024
- Named a "Future Star" in the area of Dispute Resolution by Benchmark Litigation, 2019-2020
- Kansas Bar Association, Bench – Bar Committee; Bar Show Committee
- Kansas Bar Foundation, Board of Trustees (2020); Secretary-Treasurer
- The Missouri Bar
- Johnson County Bar Association, Ethics and Grievance Committee; Civil Section, Vice Chair (2017), Chair (2018)
- Kansas City Metropolitan Bar Association
- Defense Research Institute
- Kansas Association of Defense Counsel, President (2007)
- Kansas Selective Service System, Board of Directors
- Christian Legal Society
- United Methodist Church of the Resurrection, Nominating Committee; Allies4RacialJustice Committee

PRESENTATIONS

2022

- The ABCs of Noncompete Agreements (Foulston Siefkin LLP, HR Training Series)

ISSUE ALERTS

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2023

- FTC Issues Proposal to Ban Noncompete Agreements

2020

- Coronavirus: UPDATE on Guidance Regarding Commercial and Residential Evictions and Foreclosures
- Coronavirus: COVID-19 and Business Interruption Insurance
- Coronavirus: Guidance Regarding Commercial and Residential Evictions through May 1, 2020

2019

- Kansas Supreme Court Ruling Uncaps Damages for "Pain and Suffering"