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## J. Scott McBride

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### PROFESSIONAL PRACTICE

Bartlit Beck Herman Palenchar & Scott LLP, 2003-Present, Partner (since 2008)

### EDUCATION & HONORS

University of Chicago Law School, 2002, J.D. with High Honors

Order of the Coif

1st Place, Hinton Moot Court

*University of Chicago Law Review*

Northwestern University, 1994, M.S. Ed., Earned Illinois Secondary Teaching Certificate for Chemistry, Physics and German

Dartmouth College, 1992, A.B., *summa cum laude*, High Honors in Chemistry

*Phi Beta Kappa*

Rufus Choate Scholar

German Academic Exchange Service Scholarship

Chandler T. White Chemistry Research Prize

### GOVERNMENT SERVICE

Judicial Law Clerk, Honorable Richard D. Cudahy, United States Court of Appeals for the Seventh Circuit, 2002-2003

### CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

#### ***Metropolitan Mortgage & Securities Litigation***

Represented Ernst & Young in federal securities class action suit and related arbitrations surrounding the collapse and bankruptcy of Metropolitan Mortgage & Securities Co., a \$2 billion investment, real estate and insurance conglomerate. Plaintiffs alleged accountants' negligence relating to audit work. Won back-to-back complete defense verdicts in separate trials involving claims brought by Metropolitan's insurance subsidiary and the bankrupt estate. Class action case settled favorably shortly before trial.

#### ***Bayer PPA Litigation***

Represented Bayer in nationwide mass tort litigation involving cold medicines containing the decongestant phenylpropanolamine (PPA). Plaintiffs sued Bayer claiming its PPA-containing medications caused consumers to suffer strokes. In two Bartlit Beck jury trials, Bayer has secured complete defense verdicts.

#### ***Treasurer of the State of Connecticut v. Forstmann Little et al.***

Represented Forstmann Little in a lawsuit brought by one of Forstmann Little's limited partners, the State of Connecticut pension funds. Connecticut claimed damages of over \$125 million for itself and over \$1 billion in derivative claims, alleging violations of the securities laws, breaches of contract, and breaches of fiduciary duties. The suit was the first ever filed by a limited partner against a major private equity firm, and it was closely followed by every major financial publication. After two month jury trial, jury came back with verdict for Forstmann Little.

[www.bartlit-beck.com](http://www.bartlit-beck.com)

## BAR ADMISSIONS

Illinois

## PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

United States Peace Corps  
Volunteer, Kenya, 1997 -  
1999

Chemistry Teacher, New  
Trier High School,  
Winnetka, Illinois, 1994 -  
1997

Researcher/Stipendiat,  
Institut fuer  
Makromolekulare Chemie  
at the Universitaet  
Hannover, Germany,  
1992-1993

## OTHER REPRESENTATIVE CASES

### ***Hill-RomService, Inc. v. Stryker Corporation***

Representing Stryker in patent infringement action relating to Stryker's hospital beds and stretchers. Hill-Rom is asserting 10 patents claiming that Stryker's Zoom® Drive System on four of its hospital beds/stretchers infringes. Case currently pending in the Southern District of Indiana.

### ***Onyx Pharmaceuticals, Inc. v. Bayer Corporation***

Represented Bayer in breach of contract and breach of fiduciary duty action relating to Bayer's development of new anti-cancer treatments. Onyx alleged it had rights in Bayer's new regorafenib compound under development and that Bayer had improperly blocked and obstructed development of the existing anti-cancer treatment, Nexavar. Case settled favorable for Bayer during trial.

### ***Novartis Vaccines and Diagnostics v. Bayer HealthCare LLC***

Represented Bayer in patent infringement action relating to Bayer's anti-hemophilia medication, Kogenate®FS in the Eastern District of Texas. Plaintiffs claim that Bayer's Kogenate®FS product infringes a Novartis patent on the genetic materials used in the development of Kogenate®FS. Case settled favorably for Bayer.

### ***DuPont v. Cardinal Health 200, Inc.***

Represented DuPont in litigation against Cardinal in Davidson County, Tennessee. DuPont sued Cardinal for breaching a contract for the purchase of a next-generation nonwoven medical fabric that required DuPont build a new \$100 million factory. The case settled on the eve of trial on terms favorable for DuPont.

### ***QT, Inc v. Mayo Clinic***

Represented Mayo Clinic in product disparagement action brought in the Northern District of Illinois by seller of "Q-Ray Ionized Bracelet." QT claimed that Mayo's clinical study of the Q-Ray bracelet, which found the Q-Ray worked no better than placebo at relieving a wearer's pain, negligently and intentionally disparaged QT's product. Case settled favorably for Mayo.

### ***Guidant v. Boston Scientific***

Represented Guidant Corporation in patent infringement action relating to Guidant's coronary stent products. Case settled favorably for Guidant.

## ***Afton Chemical Corp. v. Lubrizol Corp.***

Represented Lubrizol in patent infringement action in the Eastern District of Virginia. Afton claimed Lubrizol willfully infringed an Afton patent on automatic transmission fluid compositions. After conducting a non-binding arbitration in front of a neutral arbitrator, Afton settled the case.

## **NEWS**

Bartlit Beck Wins Jury Victory for Forstmann Little & Co. in Case Closely Watched by Wall Street

## **BIG WINS**

Bartlit Beck Wins Second of Back-To-Back Complete Defense Victories for Ernst & Young, *In re Metropolitan Securities Litigation (2009)*

Bartlit Beck Defeats Billion Dollar Claim, Wins Jury Trial for Forstmann Little, *Connecticut v. Forstmann Little & Co. (2004)*