

Scott G. Kobil

Counsel

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OVERVIEW

Scott G. Kobil has extensive experience in every facet of litigation in federal and state courts, from drafting the initial pleadings through the handling of trial and appeals. Scott has particular experience with discovery and e-discovery issues (common and unique), having overseen massive data collections and productions, worked with a variety of outside vendors, taken and defended over 100 fact and expert depositions, and successfully argued numerous motions.

Scott has represented diverse clients spanning from individuals to Fortune 500 companies. His practice includes employment discrimination and wrongful termination cases, contractual and fraud disputes, and toxic tort and products liability matters. Scott represented a telecommunications provider in an antitrust lawsuit over several years, described by the judge as “one of the most—if not the most—complicated case in the district.” After a 6-month trial, he helped procure an historic US$20 million verdict (trebled to US$60 million). Scott obtained a US$5 million arbitration award on behalf of a Medicare prescription drug and health insurance provider in a breach of contract case against its service administrator.

PROFESSIONAL BACKGROUND

Scott serves as a pro bono mediator for cases in the Morris County Court and is accredited by the US Department of Veterans Affairs.

Scott's successful pro bono appeal of a Driving Under the Influence conviction before New Jersey's Appellate Division was recognized in the February 24, 2011 issue of *New Jersey Law Journal*.

EDUCATION

- J.D., Duke University School of Law, 2003 *(Member, Duke Law School Moot Court Team)*
- B.A., The Johns Hopkins University, 2000 *(Phi Beta Kappa, University and Departmental Honors)*

ADMISSIONS

- Bar of New Jersey
- Bar of New York
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of Arkansas
- United States District Court for the Western District of Arkansas

THOUGHT LEADERSHIP *POWERED BY HUB*

- 12 June 2025, Supreme Court Invalidates "Background Circumstances" Rule in Title VII Cases
- 18 January 2022, COVID-19 Vaccination Sweepstakes: Best Practices for Employee Incentives
- 11 October 2021, Incentivizing Vaccination: Federal Agencies Issue Guidance on Use of Health Insurance Discounts and Surcharges and the Impact on Employer Mandate Affordability
- 3 June 2021, COVID-19: EEOC Issues Long-awaited Guidance Allowing Employers to Provide Employees with Incentives for COVID-19 Vaccinations
- 17 February 2021, COVID-19: EEOC Withdraws Proposed Rules on Employer Wellness Incentives, Leaving Uncertain the Permissibility of COVID-19 Vaccination Incentives
- 12 January 2021, Well Done? EEOC's New Proposed Rules Would Limit Employer Wellness Programs to De Minimis Incentives—with Significant Exceptions
- 19 August 2019, Working Wise: Be Careful of Your Carrots and Sticks: Legal Pitfalls of Employer Wellness Incentives
- 21 December 2018, Third Circuit Holds Insurance Adjuster’s Alleged Fraud May Give Rise to Consumer Fraud Act Liability
- 15 June 2015, Examining the New Jersey Offer of Judgment Rule's Biases against Defendants

OTHER PUBLICATIONS

- Scott is a contributing editor of the treatise, *New Jersey Employment Law*, which is updated annually.
- “Lithium-Ion Battery Failures: Suggestions For Product Manufacturers to Mitigate Liability Risk,” *Bloomberg BNA Product Safety & Liability Reporter*, 6 March 2017
- “Application of the Economic Loss Doctrine to Residential Home Purchases,” *New Jersey Law Journal,* 14 December 14 2009

AREAS OF FOCUS

- Commercial Disputes
- Appellate Litigation
- Employment Disputes
- Employment Investigations
- Human Resource Advice and Compliance
- Mass Tort
- Product Liability

INDUSTRIES

- Consumer Goods and Services
- Healthcare

REPRESENTATIVE EXPERIENCE

Employment Litigation and Counseling

- Defended county board of services in NJLAD case brought by employee alleging racial and sexual discrimination. Reached favorable settlement during trial.
- Represented telecommunications company and CEO accused by employee of creating a hostile work environment. After extensive discovery, obtained US$10,000 settlement notwithstanding plaintiff's initial demand of US$2 million.
- Defended international bank in breach of contract action brought by former branch manager terminated for cause.
- Successfully negotiated conciliation agreement with EEOC and putative plaintiffs after EEOC issued right to sue letter in sexual harassment case.
- Litigated and settled NJ CEPA case on behalf of beverage manufacturer.
- Defended healthcare finance company in Sarbanes-Oxley action brought by former employee.
- Represented aviation company in arbitration against former CEO.
- Defended security provider company in wage and hour hearing.
- Represented shipping company in suit alleging former employees wrongfully disclosed trade secrets and tortiously interfered with business relations.

- Advised companies regarding enforceability of non-competition and non-solicitation agreements.
- Conducted investigations of clients' current and former employees and counseled clients regarding termination of employees.
- Drafted and updated clients' employee handbooks.

Products Liability, Mass Torts, and Class Actions

- Represented City of New York and its contractors in thousands of toxic tort claims arising from first-responders' cleanup of the World Trade Center disaster site.
- Represented oil company in MTBE litigations in multiple jurisdictions.
- Represented valve and automobile brake manufacturers in asbestos litigations.
- Represented manufacturer of washing machine hoses in products liability litigation.
- Represented medical device manufacturer in knee replacement litigation.
- Represented PRP in NJ Spill Act contribution action.
- Represented manufacturer of automobile-purchase-order forms in NJ Truth-in-Consumer Contract, Warranty, and Notice Act (TCCWNA) case.

Antitrust Litigation

- Represented independent provider of maintenance services for telephone equipment in a multiyear litigation, culminating in a six-month trial in which jury found defendant liable for Sherman Act violations and awarded client US$20 million (automatically trebled to US$60 million). Case was first single product aftermarket antitrust claim to be tried to successful verdict since plaintiffs in Eastman Kodak v. Image Technical Services tried their case to verdict after US Supreme Court first recognized this type of claim in 1992.