

## People



### Scott M. Kessler

Partner, Litigation

New York

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Scott Kessler litigates complex commercial and intellectual property disputes at both the trial and appellate levels. He has tried and argued numerous cases in federal and state courts. His experience encompasses corporate and private equity transactions, trademarks, copyrights, real estate, securities and class action defense.

Scott also has significant experience advising clients with regard to contract disputes, corporate and partnership dissolutions, and matters involving questions of trademark, copyrights and trade secrets.

#### Notable Work

**Real Estate Investment Fraud:** Represented a large real estate owner and investor in Class A office and retail properties throughout the country in an expedited international arbitration brought by a group of “family and friends” investors claiming their investments were induced through a complex fraud and seeking rescission of their multi-million dollar investments.

**International Arbitration:** Represented a corporate finance advisory boutique, serving companies in the life sciences industry, in international arbitration proceeding brought against a clinical stage biotechnology company focused on developing a chemical compound to treat ophthalmic diseases to obtain its success fees for finding, negotiating and closing a strategic transaction with a global pharmaceutical company to develop and commercialize the chemical compound.

**Private Equity:** Represented a private equity firm and directors and officers of one of its portfolio companies against claims of minority shareholders for breach of fiduciary duty, aiding and abetting breach of fiduciary duty, gross negligence, and unjust enrichment in international arbitration proceeding.

#### Areas of Experience

Litigation  
Commercial Disputes  
Appellate  
Class Action Defense  
Data Privacy and Security  
eDiscovery Services  
Hospitality  
Hospitality Dispute Resolution  
Information Governance  
Intellectual Property Litigation  
Private Equity Litigation  
Real Estate Litigation  
Securities Litigation  
Health and Life Sciences  
Financial Services  
Cannabis

#### Education

J.D., Hofstra University School of Law, 2003, cum laude  
B.S., Cornell University, 1998

#### Admissions

##### Bars

New York

##### Courts

U.S. Court of Appeals, Second Circuit  
U.S. District Court, Eastern District of New York  
U.S. District Court, Northern District of New York  
U.S. District Court, Southern District of New York  
U.S. District Court, Western District of New York

#### Related Content

Akerman Lawyers Ranked in New York by *Super Lawyers Magazine*

November 04, 2024

*Benchmark Litigation* Recognizes 34 Akerman  
Lawyers in its 2025 Rankings of the Leading  
Litigators in the United States  
October 17, 2024

Supreme Court Holds That Pure Omissions Do Not  
Support Section 10(b) Claims in *Macquarie  
Infrastructure Corp. v. Moab Partners, L.P.*  
April 17, 2024

**Personal Care:** Represented a hair care products company in counterfeiting cases in two federal courts alleging additional claims for trademark infringement, false designation of origin and false advertising, trademark dilution, unfair competition and breach of contract relating to the purchase, distribution, marketing and/or sale of hair care products bearing unauthorized counterfeit trademarks.

**Trade Secrets/Restrictive Covenants:** Represented a leading worldwide provider of aerospace fasteners and consumables for the commercial, business jet, and military markets in federal action asserting claims for breach of contract, misappropriation of trade secrets, breach of duty of loyalty, and injunctive relief against former employees.

**Trademark Infringement:** Represented a trademark holder for bath, body and fragrance products in federal action for trademark infringement, false designation of origin, false advertising, unfair competition and deceptive acts and practices.

**National Credit Card Processing Company:** Represented client in federal and state court proceedings in dispute with sales organization concerning claims for breach of contract, breach of fiduciary duty, conversion, and tortious interference with contract.

**High Profile Recording Artist:** Represented world-famous rapper and song writer in copyright action against magazine publisher and its principals for violations of the artist's copyrights in certain songs by publishing virtually the entirety of the songs on its website and threatening to release a special edition of the magazine including copies of the sound recordings and compositions at issue.

**Corporation Dissolution:** Represented the minority shareholders of a closely-held corporation in state court proceeding for corporate dissolution and parallel action involving claims for breach of fiduciary duty, breach of duty of loyalty, and fraudulent conveyances.

**Marine Products:** Representation of private equity firm and manufacturer and distributor of marine products in federal court action for breach of contract, breach of the covenant of good faith and fair dealing, trademark infringement, unfair competition, misappropriation of trade secrets and conspiracy in connection with negotiations to purchase a competing manufacturer and distributor of marine products.

**Aviation:** Represented a worldwide manufacturer of aircraft passenger cabin interior products in state court action with distributor of oxygen system products alleging claims of fraud and breach of contract.

**Healthcare Services:** Represented client and its directors in state class action challenging fairness of merger.

**Patent Infringement:** Represented a global transportation affiliate network in defense of patent infringement claim related to the use of a GPS device to retrieve an address on the basis that the patent was directed to an abstract idea and therefore the case should be dismissed for lack of patentable subject matter.

**Medical Practice:** Represented a private medical practice in state court action to enforce non-compete and non-solicitation agreements.

**Author:** Represented an individual co-author of popular guidebook concerning women's beauty products in jury trial involving claims for recovery of royalties, breach of contract, and breach of fiduciary duty.

**Merchandizing:** Represented a merchandizing company in federal action to enjoin unauthorized sale and distribution of counterfeit clothing and novelty products.

**Construction:** Representation of construction management company in court proceedings to prosecute claims for violation of non-compete agreement and for contempt.

**Automotive:** Representation of automotive parts company and individual partners in appeal of distribution of partnership assets and breach of fiduciary duty.

## Published Work and Lectures

- *The New York Law Journal*, Co-Author, "Defending Attorney-Client Privilege in Communications With In-House Counsel: Recent Developments," May 6th, 2020
- *New York State Bar Association*, Co-Author, "Mitigating the Effect of Event Cancellations During the COVID-19 Pandemic, May 5th 2020
- *Today's General Counsel Magazine*, "The Exchange" eDiscovery," Panelist, "Post-Amendment Preservation & Spoliation Sanctions," July 17, 2018
- ARMA 2018 Annual Conference, Speaker, "Responding to Civil Discovery: Contrasting Federal and NY State law on Preservation and Spoliation," March 6, 2018
- The Exchange Washington DC: Data Privacy and Cybersecurity Forum, Presenter, "Avoiding Lightning in the Cloud and Addressing New Threats," November 2, 2017
- *Today's General Counsel Magazine*, Presenter, "Presumption of Litigation," November 16, 2016
- *Today's General Counsel Magazine*, Presenter, "Where Proportionality Meets Possession," July 18, 2016
- *Today's General Counsel Magazine*, Presenter, "Presumption of Litigation," May 11, 2016
- The Exchange: Data Privacy and Cybersecurity Forum, Speaker, "Presumption of Litigation," April 4, 2016
- The Exchange Washington DC: Cyber Security, Speaker, "Cyber Defense- Intersection between Privacy and Security," November 4, 2015
- 2015 Global Legal ConfEx, Speaker, "Managing Social Media in E-Discovery," October 27, 2015
- The Exchange New York: E-Discovery, Speaker, "Meeting the Continuing Challenge of Litigation Holds and Preservation" and "The Practical Implications of the Proposed FRCP Amendments," July 20, 2015
- *New Jersey Law Journal*, Co-Author, "New York Court of Appeals Reaffirms the Separate Entity Rule," January 22, 2015
- *Today's General Counsel Magazine* and Institute, Moderator, "On the Clients End - Liability and Managing Risk: No Such Thing as Perfect," November 18, 2014
- Hofstra Law Alumni CLE Series, Presenter, "Employee Mobility in the Courts and Beyond," October 22, 2014

- Global Litigation Conference and Exhibition, Presenter, “How to Plan and Maximize a Litigation Budget,” October 1, 2014
- *Today’s General Counsel Magazine* and Institute, Presenter, “Meeting the Continuing Challenge of Litigation Holds and Preservation,” and “E-Discovery Damage Control,” July 16-17, 2014

## Affiliations

- New York State Bar Association, Member
- New York County Lawyers’ Association, Member
- Jewish Braille Institute, Board of Directors
- Jewish Lawyers Guild, Member
- Queens & Bronx Builders Association, Member
- Friends of the Israel Defense Forces NY Real Estate Division, Annual Gala Committee

## Honors and Distinctions

- *Best Lawyers*, 2024-2025, Listed in New York for Electronic Discovery and Information Management Law
- *Super Lawyers Magazine* 2014-2024, Listed in New York for Business Litigation
- *Benchmark Litigation*, 2025, Listed in New York as a “Local Litigation Star” for Intellectual Property, International Arbitration, Commercial