

People



Bryan G. Scott

Partner, Litigation

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vCard

Bryan Scott focuses his practice on complex commercial litigation, construction law, and creditors' rights.

Bryan handles commercial litigation and creditors' rights matters covering a range of areas, including contract disputes, collections and foreclosures, lender liability, title issues, insurance coverage, warranty claims, secured transactions, patent and trademark infringement, unfair trade practices and competition, shareholder disputes, fiduciary claims, and products liability.

In his construction law practice, Bryan represents public and private owners, developers, contractors, lenders, and insurers on the full scope of issues that may arise in the construction industry, including contracting, lending, and bidding issues, compliance and operational concerns, and the resolution through trial, arbitration or otherwise of disputes involving mechanic's lien and payment issues, cost impact and delay claims, defect or design claims, insurance coverage, licensing, and other matters. Bryan provides practical advice to clients on projects involving commercial, public, and multifamily construction, schools, hospitals, bridges and roadways, site development, slope stabilization, pipelines, and wastewater systems, among other things.

Notable Work

Construction Defect Claim: Represented a public owner in bid protest and federal litigation arising from alleged delay and construction defect claims involving construction of \$20 million wastewater treatment plant.

Construction Contract Negotiation: Represented multiple local municipalities and North Carolina and Virginia in negotiation and administration of construction contracts for new school construction.

Trademark Infringement Action: Represented a national fast casual restaurant chain in trademark infringement action challenging

Areas of Experience

Litigation
 Construction
 Construction Litigation and Dispute Resolution
 Commercial Disputes
 Intellectual Property Litigation
 Economic Sanctions and Export Controls

Education

J.D., Wake Forest University School of Law, 2004
 B.A., Appalachian State University, 2001, magna cum laude

Admissions

Bars

North Carolina
 Virginia
 West Virginia

Courts

U.S. Court of Appeals, Fourth Circuit
 U.S. District Court, Middle District of North Carolina
 U.S. District Court, Eastern District of North Carolina
 U.S. District Court, Western District of North Carolina
 U.S. District Court, Eastern District of Virginia
 U.S. District Court, Western District of Virginia
 U.S. District Court, Southern District of West Virginia
 U.S. Bankruptcy Court, Eastern District of Virginia
 U.S. Bankruptcy Court, Western District of Virginia

Related Content

Three Partners in North Carolina Recognized by *Super Lawyers*
 February 14, 2024

112 Akerman Lawyers Across the U.S. Named to 2023 *Super Lawyers* and Rising Stars Lists
 September 28, 2023

tagline used by a competing restaurant chain.

Patent Infringement Action: Defended a highway contractor in patent infringement action related to accused slab leveling and soil stabilization methods.

Distressed Commercial Loans Litigation: Represented multiple community, super-regional, and national banks and credit unions in litigation and foreclosure proceedings stemming from distressed commercial loans involving commercial and residential properties.

Hatch-Waxman Litigation: Served as local counsel to leading research university and pharmaceutical manufacturer in Hatch-Waxman patent infringement litigation.

Ground Lease Litigation: Represented a major industrial manufacturer in ground lease litigation involving environmental contamination.

Insurance Coverage Litigation: Represented insurers and insureds in complex insurance coverage and bad faith litigation arising from commercial general liability, errors and omissions, automobile, and workers' compensation policies.

Complex Litigation: Litigated cases in federal and state appellate courts, jury and bench trials, arbitration, and administrative hearings.

Construction Lien Claims: Obtained summary judgment, affirmed on appeal after oral argument, on construction lien claims brought against a community banking client.

Construction Arbitration: Represented owner as project counsel and in three week arbitration hearing over construction claims related to a \$66 million student housing project.

Construction Defect Dispute: Represented a regional health system in construction defect disputes related to clinical teaching center and outpatient surgery center projects.

Construction Contract Negotiation: Represented a regional health system in negotiating contracts for construction of new \$39 million cancer center.

Arbitration Over Warranty Claim: Obtained defense verdict for national home warranty company in arbitration proceedings over a structural warranty claim for alleged foundation system defects.

Cost Overrun Claims: Represented a specialty subcontractor in cost overrun claims on high-profile emergency highway rockslide stabilization project.

Cost Overrun Claims: Represented an international manufacturer as project owner in cost overrun claims by contractor related to industrial piping installation.

Mechanic's Liens: Represented multiple construction industry clients in filing and enforcing mechanic's liens arising from a variety of projects.

Cost Overrun and Delay Claims: Represented a general contractor in cost overrun and delay claims against municipality, and product

liability claims against piping manufacturer, related to nine-mile force main sewer project.

Disciplinary Proceedings: Represented licensees in disciplinary proceedings before the North Carolina General Contractor Licensing Board, the Private Protective Services Board, and the Commissioner of Insurance.

Affiliations

- Winston-Salem Zoning Board of Adjustment, Chair, 2018-2021
- North Carolina State Bar, Board of Paralegal Certification, 2016-Present;
 - Chair, 2022-2023
- Winston-Salem Chamber of Commerce, Construction Industry Council, Member
- NAIOP Commercial Real Estate Development Association, Piedmont Triad Chapter, Member
- North Carolina Bar Association, Construction Law Section
 - Chair, July 2019-2020
- Virginia Bar Association, Construction and Public Contracts Law Section, Member
- Boy Scouts of America
 - Cubmaster, Cub Scout Pack 934
 - Adult Leader, Scouts BSA Troop 934
 - Wood Badge, Course S7-427-19

Published Work and Lectures

- North Carolina Bar Association COVID 19 Webinar Series, Speaker, “The New Normal: What to Expect from Taxes, the Treasury, Contracts and Construction on the Other Side of the Shut Down,” May 5, 2020
- Winston-Salem Chamber Construction Industry Council, Speaker, “Ask a Construction Lawyer,” December 2018
- Greensboro Minority Enterprise Development (MED) Week, Presenter, “Construction 101,” September 2018
- North Carolina Construction Law Deskbook, Co-Author, Chapter, “Licensing of Construction Professionals” 6th Edition, 2013; 7th Edition, 2016
- National Association of Women In Construction Piedmont Triad Chapter, Speaker, “Labor & Employment Hot Topics in the Construction Industry,” October 2016
- Winston-Salem Chamber Construction Industry Council, Moderator, Construction Worker Shortage Forum, 2015
- North Carolina Association of Private Investigators, Speaker, “Best Practices and Update on the Law,” 2015, 2013, 2011
- North Carolina Advocates for Justice, Speaker, “Debt Collection - Collecting Your Clients’ Judgments,” 2014
- North Carolina Association of Private Investigators, Speaker, “The Lawyer’s Perspective: What P.I.’s Should Know,” 2009
- *The Defender*, Author, “Recent Developments in Federal Preemption of Pharmaceutical Drug and Medical Device Product Liability Claims,” Fall 2009
- ALFA International, Co-Author, “Compendium of Product Liability Law Issues,” North Carolina Section, 2009

- Lorman Education Services, Insurance Bad Faith Claims, Contributing Author, “Unfair Trade Practices v. Bad Faith” and “Discovery in Bad Faith Actions,” 2005

Honors and Distinctions

- *The Best Lawyers in America*, 2018-2024, Listed in North Carolina for Construction Law, Litigation - Construction
- *Super Lawyers Magazine*, 2020-2024, Top Rated in North Carolina for Construction Litigation: Business
- *Super Lawyers Magazine*, 2019, Listed in North Carolina as a “Rising Star” for Construction Litigation: Business
- *Business North Carolina Magazine*, 2015-2018, 2020-2023, 2024, Recognized as a member of the “Legal Elite” for Construction Law
- Construction Lawyers Society of America, Fellow, 2018-Present
- Martindale-Hubbell, AV Rated
- University of Virginia School of Law, National Trial Advocacy College, 2012