

#### Practice Areas

- Labor & Employment Litigation
- Commercial Litigation

#### Education

- South Texas College of Law, Juris Doctorate, magna cum laude (2009), Articles Editor, South Texas Law Review (2008–2009); Dean's Honor List; Dean's Scholar
- University of Evansville, Bachelor of Arts in English and Political Science, magna cum laude (2006); Minor in Legal Studies; Dean's Honors List; Mortar Board Senior Honor Society; Sigma Tau Delta English Honor Society; National Society of Collegiate Scholars

#### Honors

- Named a "Top Lawyer," Houstonia Magazine, 2019-2022
- 2009 William McGee National Civil Rights Moot Court Competition; Finalist, Best Overall Brief Award

## Kellen R. Scott

Shareholder

Houston

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Kellen Scott is a Shareholder in the firm and has proudly spent his entire professional career with the firm, focusing on employment and commercial litigation matters. Kellen also serves on the firm's Recruiting Committee.

In his employment practice, Kellen collaborates with employers of all sizes, from small startups and "mom and pop shops" to large domestic and international companies, advising clients on a wide variety of employment law matters and litigation avoidance. He has a broad range of experience that encompasses litigation, arbitration, and the defense of administrative charges involving numerous agencies. Kellen works with business owners and executives, in-house counsel, and human resources professionals to provide advice and help resolve issues that arise throughout the entire employment lifecycle, including recruitment, hiring, onboarding, performance evaluation, accommodation, corrective action, and separation from employment.

**State and Federal Employment Claims:** A significant part of Kellen's practice focuses on defending employers against complex state and federal claims related to discrimination, harassment, and retaliation, including claims under Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act, as well the Texas Labor Code.

**Unfair Competition and Trade Secrets:** Kellen also advises and represents employers with respect to laws governing restrictive covenant agreements and trade secrets. Kellen regularly drafts and negotiates executive employment contracts and noncompetition, nonsolicitation, and confidentiality agreements. He has prosecuted and defended restrictive covenant and trade secret litigation and arbitration, obtaining decisions granting injunctive relief on the plaintiff-side and denying injunctive relief on the defense-side. He also litigates claims related to such agreements, including claims for breach of contract, misappropriation of confidential information, theft of trade secrets, unfair competition, tortious interference, and breach of fiduciary duty.

**M&A and Business Restructuring:** Kellen assists employers and the firm's Business Transactions Group with employment law issues arising in the context of

- 2008 Emory Civil Rights and Liberties Moot Court Competition; Quarter-Finalist
- 2008 Rendigs National Products Liability Moot Court Competition; Semi-Finalist
- Order of the Lytae
- AmJur/CALI Award: Constitutional Law, Texas Trial & Appellate Procedure; Complex Litigation; Texas Criminal Procedure; and International Mediation

#### Bar Admissions

- Texas

#### Court Admissions

- Fifth Circuit Court of Appeals
- Southern District of Texas
- Eastern District of Texas
- Western District of Texas
- Northern District of Texas
- District of Colorado

## **Kellen R. Scott, *Continued***

mergers and acquisitions, including conducting pre-acquisition due diligence and strategies to identify employment obligations and liabilities that may affect the value and structure of the transaction. Kellen regularly advises employers on issues arising from reductions-in-force, mass transfers of employees to different entities, and other business restructuring matters. This includes advice relating to compliance with various state and federal laws, including the federal Worker Adjustment and Retraining Notification Act, state and local mini-WARN and notice statutes, the Older Workers Benefit Protection Act, and state and local laws impacting severance agreements.

**Wage and Hour Law Defense:** Kellen also defends employers against wage and hour claims filed under the Fair Labor Standards Act in individual and collective actions, addressing issues such as overtime disputes, misclassification of employees, and wage payment compliance.

**General Commercial Litigation:** In addition to his employment law practice, Kellen has extensive experience prosecuting and defending general commercial litigation matters. Kellen represents businesses of all sizes in a wide range of disputes, including breach of contract, business torts, and other complex commercial matters.

During law school, Kellen served as a brief writer and advocate for his law school's famed advocacy program. Kellen also worked as an Articles Editor, and was elected to the Law Review Board.

#### **Notable Achievements and Representation**

- Second-chaired employment discrimination trial and obtained take nothing jury verdict in favor of employer on allegations of race discrimination, failure to promote, and constructive discharge.
- Part of arbitration team who represented naval architecture firm against subcontractor who breached contracts related to components for offshore drilling rig which caused client to incur substantial damages and also defeated all of subcontractor's counterclaims valued at nearly \$50M.
- Obtained summary judgment in employer's favor against former employee who alleged race, color, and national origin discrimination, constructive discharge, and retaliation.
- Obtained summary judgment for international oil and gas project management company on breach of contract claim and second-chaired three day bench trial on the issue of damages following which the federal court entered judgment in excess of \$6M; drafted appellate brief successfully affirming client's judgment.

## **Kellen R. Scott,** *Continued*

- Favorably resolved ADA suit against retail client days after deposing the plaintiff's psychologist.
- Second-chaired temporary injunction hearing after which court denied franchisor's efforts to enforce noncompetition and nonsolicitation covenants against franchisee client.
- Represented employers during Department of Labor audits conducted under the FLSA and FMLA.
- Obtained summary judgment on competitor's claims against client for tortious interference, misappropriation of trade secrets, conspiracy, unfair competition, and business disparagement.
- Second-chaired temporary injunction hearing after which client obtained injunction against client's former employee on claims for breach of fiduciary duty and misappropriation of trade secrets in connection with former employee starting competing venture.
- Drafted appellate briefs, petitions for writs of mandamus, and interlocutory appeals.
- Conducted internal investigations to advise clients on various employment matters.
- Prepared position statements for employers in administrative proceedings conducted by the EEOC and TWC.
- Represented and advised employers, doctors, salesmen, commodity traders, franchisees, oilfield employees in disputes surrounding noncompetition, nonsolicitation, and nondisclosure covenants.
- Defended debt collector in individual and putative class action cases under the FDCPA and TCPA.
- Drafted appellate brief in appeal of commercial landlord/tenant dispute that reversed adverse trial court judgment against client and rendered judgment in client's favor.
- Drafted and successfully argued motion for summary judgment against client's former employee who asserted various claims arising out of his separation from the company.
- Obtained emergency sequestration order authorizing the sequestering of more than \$800,000 worth of industrial tower crane parts.
- After securing dismissal of state and federal claims against client-employer and state law claims against client-employee, both for failure to state a claim, obtained take nothing summary judgment on claims against client-employee for false arrest and false imprisonment under 42 U.S.C. § 1983.
- Obtained sequestration order and judgment against debtor, which included authorization to seize heavy-duty commercial truck and numerous industrial waste containers.

## **Internships**

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- Chief Justice Sherry Radack, Houston First District Court of Appeals

## **Professional Affiliations**

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- American Bar Association
- State Bar of Texas, Labor and Employment Section
- Houston Bar Association
- Federal Bar Association
- Member, Society of Human Resource Management