

PARTNER

Scott E. Gant

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PROFILE

During more than twenty-five years as a litigator, Scott has built a diverse practice with particular focus and deep experience in complex commercial litigation, class actions, antitrust, and constitutional law. He represents plaintiffs and defendants, at both the trial and appellate levels (including before the U.S. Supreme Court). Scott strives to help clients achieve the best possible outcomes through a combination of creativity, original thinking, tenacity, and a commitment to excellence in both written and oral advocacy.

While maintaining a busy litigation docket, Scott has taught a constitutional law seminar at Georgetown Law School as an adjunct professor, and actively writes on a range of legal issues. In addition to his scholarly articles published in law reviews, Scott's opinion pieces have appeared in *The Wall Street Journal*, *Washington Post*, *Los Angeles Times*, *Christian Science Monitor*, *Forbes*, *Huffington Post*, *Salon*, and *Wired*. His book, *We're All Journalists Now: The Transformation of the Press and Reshaping of the Law in the Internet Age*, was published by *Simon & Schuster's Free Press*. He has also arbitrated attorney-client fee disputes for more than two decades for the District of Columbia Bar's Attorney/Client Arbitration Board.

Scott is co-leader of the Class Actions practice group.

EXPERIENCE

Scott's significant litigation matters include:

Supreme Court of the United States



PRACTICES

- Antitrust and Competition
- Appellate
- Class Actions
- Intellectual Property
- Financial Institutions and Private Funds
- Media and First Amendment
- Constitutional Law
- Aerospace and Satellite
- Elections and Political Disputes

EDUCATION

- Harvard Law School, J.D., *cum laude*
- Wesleyan University, B.A., *with honors*

ADMISSIONS

- Bars
- District of Columbia

AWARDS AND ASSOCIATIONS

- Lawdragon 500 Leading Global Antitrust & Competition Lawyers
- Lawdragon 500 Leading Plaintiff Financial Lawyers (2023, 2024)
- Lawdragon 500 Leading Litigators in America

- Successfully petitioned for certiorari, and briefed and argued the merits, in *Patchak v. Zinke* (separation of powers)
- Briefed and argued the merits in *Rotkiske v. Klemm* (statute of limitations under the Fair Debt Collection Practices Act)
- Successfully briefed the merits in *Cassirer v. Thyssen-Bornemisza Collection Foundation* (Foreign Sovereign Immunities Act) (9-0 decision, 2022)
- Successfully petitioned for GVR—granting certiorari, vacating judgment, and remanding to the court of appeals—in *Cassirer v. Thyssen-Bornemisza Collection Foundation*, based on change in law (2025)
- Successfully opposed petition for certiorari in *The North American Mission Board of the Southern Baptist Convention, Inc. v. McRaney*, after eight Fifth Circuit judges called for rehearing en banc, and despite numerous amicus briefs supporting petitioner, including briefs from leading professors and sixteen states (Free Exercise)
- Counsel for Respondent in *Friends of the Earth v. Laidlaw* (constitutional standing)
- Represented former Chief Justices of Texas and Alabama as amici curiae in *Yulee-Williams v. Florida Bar*, opposing a First Amendment challenge to Florida’s rule prohibiting judicial election candidates from personally soliciting campaign contributions
- Represented members of Congress as amici curiae in the landmark Second Amendment case, *District of Columbia v. Heller*

Litigation Representing Defendants

- Representing Sierra Club against claims by ExxonMobil for defamation, business disparagement, tortious interference and conspiracy
- Representing Copart in putative class action asserting claims under California’s Unfair Competition Law and False Advertising Law, and for fraud, deceit, and negligent misrepresentation
- Representing Airbnb against claim under the Helms Burton Act, including developing and litigating challenge to the constitutionality of the Act’s private right of action
- Represented HSBC-Hong Kong as a creditor in bankruptcy proceedings concerning the China Fishery Group, including an adversary proceeding against HSBC-Hong Kong, asserting claims under Peruvian, Hong Kong, and U.S. law
- Trial victory defending journalists Sir Harold Evans and Tina Brown against claims by the bankruptcy estate trustee for a former financial advisor
- Dow Chemical during a month-long jury trial in a federal antitrust class action alleging price-fixing, and in post-trial proceedings

CLERKSHIPS

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Hon. Anthony J. Scirica, U.S. Court of Appeals: Third Circuit

- Obtained dismissal of claims against executives and employees of Corrective Education Company, in a putative class action asserting RICO claims
- Obtained summary judgment at the district court, and affirmance in the Eleventh Circuit, for Delta Air Lines in an antitrust case brought by a class of customers alleging an unlawful agreement to impose bag fees
- Successfully defended Duke, Emory, Georgetown, Harvard, and USC against Sherman Act and RICO claims that their law schools conspired with bar exam preparation company BarBri to stifle competition for classes targeting foreign L.L.M. graduates
- Successfully defended Georgetown University against claims brought by District of Columbia mayoral candidate challenging exclusion from debate
- Successfully defended Amazon.com against patent infringement claims
- Successfully defended DuPont and Pioneer Hi-Bred in nearly 20 federal and state putative class actions concerning the sale of genetically modified seeds

Litigation Representing Plaintiffs

- Representing direct action plaintiffs (including Target, Campbell's, and Berkshire Hathaway subsidiary McLane) in an antitrust case concerning broiler chickens—and served for seven years as Liaison Counsel for direct action plaintiffs
- Representing clients as direct action plaintiffs in antitrust cases concerning pork, beef, and turkey
- Representing General Electric as direct action plaintiff in an antitrust case concerning rail freight transportation
- Represented waste disposal operator Twin Bridges prosecuting attempted monopolization claims against competitor Waste Connections
- Represented Sysco, Target, and US Foods as direct action plaintiffs in an antitrust price-fixing case concerning packaged tuna
- Served as co-lead counsel for class plaintiffs in an antitrust case asserting Section 1 claims against the leading providers of contact lenses for sale online (\$40 million in settlements)
- Served as co-lead counsel for class plaintiffs in an antitrust case concerning price-fixing of municipal derivatives (\$220 million in settlements)
- Served as co-lead counsel for class plaintiffs in an antitrust and patent case concerning purchases of an enzyme critical for replicating DNA (\$33 million settlement)

PUBLICATIONS & PRESENTATIONS

How the Senate Could Still Convict Donald Trump, The
National Law Journal (2021)

A Realistic Alternative to the Electoral College, Jurist (2021) (co-
authored)

The Hart-Scott-Rodino Act's First Amendment Problem,
Cornell Law Review (with Andrew Michaelson and Ted Normand)
(2017)

"Self-Regulation and an Independent Judiciary," in The Politics of
Judicial Independence (Johns Hopkins University Press 2010)

We're All Journalists Now: The Transformation of the Press and
Reshaping of the Law in the Internet Age (Free Press 2007)

Debate, Congress's Power To Compel the Televising of
Supreme Court Proceedings, 156 University of Pennsylvania Law
Review PENnumbra 46 (2007)

Missing the Forest for a Tree: Unpublished Opinions and New
Federal Rule of Appellate Procedure 32.1, 47 Boston College
Law Review 705 (2006)

The Contagion of Constitutional Avoidance, 22 Constitutional
Commentary 497 (2005)

The Law of Unintended Consequences: Supreme Court
Jurisdiction Over Interlocutory Class Certification Rulings, 6
Journal of Appellate Practice and Process 249 (2004)

Presidential Inability and the Twenty-Fifth Amendment's
Unexplored Removal Provisions, 1999 Michigan State University
Law Review 791 (1999)

The Twice and Future President: Constitutional Interstices and
the Twenty-Second Amendment, 83 Minnesota Law Review 565
(1999) (co-authored with Bruce G. Peabody)

Bajakajian and Excessive Fines Claims Against the United States,
8 Federal Circuit Bar Journal 39 (1999)

Judicial Supremacy and Nonjudicial Interpretation of the
Constitution, 24 Hastings Constitutional Law Quarterly 359 (1997)

Musings on a Constitutional Mystery: Missing Presidents and
'Headless Monsters'?, 14 Constitutional Commentary 83 (1997)
(co-authored with Bruce G. Peabody)

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