



Scott M. Philbin

Senior Counsel

sphilbin@bsk.com

Avant Building - Suite 900

200 Delaware Avenue

Buffalo, NY 14202-2107

(716) 416-7041

(716) 416-7341 fax

350 Linden Oaks

Third Floor

Rochester, NY 14625-2825

(585) 362-4700

(585) 362-4701 fax

Profile

Scott is a litigation attorney handling a broad array of business and commercial matters at the trial and appellate levels in both state and federal court.

He routinely represents large corporations, insurers and financial institutions in issues relating to breach of contract, the leasing of heavy construction equipment, non-compete agreements, banking litigation, investor claims and commercial paper disputes. Scott also has experience in toxic tort cases involving silica and benzene, insurance coverage disputes, trust and estate litigation, commercial foreclosures, professional liability, zoning/land use actions, health care subrogation, insurance defense claims and the representation of lenders in adversary bankruptcy proceedings.

Relevant Experience

- Defended media company in putative class action suit against claims for unpaid wages
- Prosecution of actions to enforce terms of non-compete agreements.
- Representation of construction equipment leasing company with respect to enforcement of lease terms.
- Defense of silica suppliers against claims of silicosis resulting from occupational exposure.
- Assisted equipment leasing company in repossession of equipment from food processing plant.
- Prosecution of commercial foreclosure action.
- Obtained dismissal of wrongful death case against architectural firm.
- Secured Appellate Court reversal of village zoning board of appeals' denial of variance to builder of apartment complex.
- Defense of financial institution against allegations of improper stock transfer based upon fraudulent endorsement.
- Representation of law firm in declaratory judgment action seeking coverage from professional liability carrier relating to legal malpractice action.

Representative Matters

- *Rickicki v. Borden Chemical, et al.*, 60 A.D.3d 1276, 4th Dept. 2009

Education

- University at Buffalo School of Law (J.D. 1997)
- University of Rochester (B.A. 1993)

Bar/Court Admissions

- New York
- U.S. Bankruptcy Court
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Western District of New York

Practices

- Toxic Tort and Environmental Litigation
- Litigation
- Class and Collective Action Litigation

- *Kenmore Tonawanda School Dist. v. State of New York*, 38 A.D.3d 203, 1st Dept. 2007
- *W.K.J. Young Group v. ZBA of the Village of Lancaster*, 16 A.D.3d 1021, 4th Dept. 2005
- *Carpenter v. Penn Traffic Co.*, 296 A.D.2d 842, 4th Dept. 2002
- *Raquet v. J. M. Braun Builders, Inc.*, 273 A.D.2d 850, 4th Dept. 2000
- *Raquet v. Zane*, 269 A.D.2d 876, 4th Dept. 2000

Honors & Affiliations

- Listed in:
 - *New York Super Lawyers 2020®*, Business Litigation
- Board President, Western New York Affiliate of Susan G. Komen®
- Erie County Bar Association