



## SCOTT R. JENNETTE

Partner

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A litigator for 35 years, Scott develops winning defense strategies with thorough investigation and preparation. He concentrates on the areas of complex products liability, hazardous substance litigation, and catastrophic personal injury.

Given the highly technical nature of his practice, Scott is dedicated to mastering the science and medicine in each case. He teams with his clients and experts to chart a course that leads to successful results.

Throughout his career, Scott has represented a number of mechanical and chemical product manufacturers and suppliers in personal injury and property damage (fire) matters, involving petroleum solvents (benzene), products and equipment containing hazardous substances (chromium VI, asbestos), microelectronic chemical products (photoresists), trucks, trailers, pharmaceuticals, material handling equipment, steel mill systems, industrial labeling machines, coal ash conveyance equipment, food and beverage packaging, pavement profilers, construction equipment, chemical cleaning equipment, lawnmowers, shredders, storage systems, school bus equipment, pneumatic saws, water pumps, vertical drilling tools, gas clothes dryers, consumer paints, printing and photographic development products, consumer electronic products, and sulfuric acid drain openers, among many others.

### Honors

- Listed, *Best Lawyers in America* (Personal Injury Litigation - Defendants, Product Liability Litigation - Defendants, Professional Malpractice Law - Defendants, Mass Tort Litigation/Class Actions - Defendants), 2013 - 2024
- Listed, *Best Lawyers in America*, "Lawyer of the Year" (Product Liability Litigation - Defendants), 2018
- Listed, *Upstate New York Super Lawyers* (Products Liability: Defense), 2010 - 2023
- Martindale-Hubbell AV Preeminent®

1800 Bausch & Lomb Place  
Rochester, NY 14604

### Practices & Industries

Business Litigation

Product Liability & Complex Tort

### Bar Associations

Monroe County Bar Association

### Admissions

New York

Massachusetts (inactive)

Ohio (inactive)

U.S. Court of Appeals, Second Circuit

U.S. District Court, Western District of New York

U.S. District Court, Southern District of New York

U.S. District Court, Northern District of New York

### Education

Allegheny College, B.A.

University of Dayton, J.D.

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- Former Research Editor, *University of Dayton Law Review*
- Alden Scholar with Distinction, *National Dean's List*

## Experience

- Serving as Statewide and Nationwide Trial Counsel for corporations in asbestos products litigation.
- Successfully trying to verdict a claim of bad faith on behalf of an excess insurer against a primary insurer. *See Quincy Mut. Fire Ins. Co. v. New York Cent. Mut. Fire Ins. Co.*, 89 F. Supp. 3d 291 (N.D.N.Y. 2014).
- Successfully defending a New York public utility in a six-week trial involving an alleged \$20 million fire loss caused by an electrical fault in 12kV pad-mounted switchgear.
- Obtaining summary judgment on behalf of a Fortune 500 company sued for products liability by an x-ray technician alleging that his lung cancer was caused by long-term use of a cleaning product containing sodium dichromate. The court ruled that plaintiff's experts' opinions on general and specific causation were unreliable. [*Barbaro v. Eastman Kodak Co.*, 26 Misc.3d 1224(A), 2010 WL 597204 (Nassau Co. N.Y. Sup. Ct. Jan. 28, 2010 (NO. 13400/07))].
- Obtaining summary judgment on behalf of a Fortune 500 chemical company sued for products liability by a worker alleging that his leukemia was caused by his use of pure benzene. [*Nelson v. Ashland Oil, Inc.*, 375 Fed. Appx. 74 (2d Cir. 2010)].
- Defending several chemical manufacturers and suppliers in the first mass tort litigation arising from alleged chemical exposures to cleanroom workers in the manufacture of computer chips and related products. These cases, which achieved national media attention, involved claims of multiple forms of cancer and birth defects and alleged exposures to solvents, alcohols, and acids. On behalf of all defendants, Scott briefed and argued the appeal that caused the dismissal of the claims of 76 plaintiffs in 12 related actions on the basis of New York's novel statute of limitations provisions for toxic exposure actions. [*Bass, et al. v. Union Carbide Corp., et al.*, 22 A.D.3d 618 (2d Dept. 2005)].

## Publications

- Contributing Author New York Chapter: Product Liability Desk Reference, *A Fifty-State Compendium* (2023 & 2024 Editions)
- "Chapter XII: Evidentiary Issues Unique to New York Products Liability Litigation." *Products Liability in New York—Strategy and Practice*, New York State Bar Association, 2d Ed., 2012.
- "Choosing Daubert-Friendly Experts in the Context of Hazardous Substance Litigation." *The Testifying Expert*, vol. 8, no. 2, Feb. 2000.
- "Attacking the Plaintiff's Hazardous Substance Expert in the Post-Kuhmo Era." *In the Defense* (D.R.I.), May 1999.
- "Chapter XIV: Evidentiary Issues Unique to New York Products Liability Litigation." *Product Liability in New York—Strategy and Practice*, New York State Bar Association, 1st Ed., 1997. (Co-Author)
- "Forfeiture of Attorney's Fees Under RICO; An Affront to a Defendant's Right to Counsel and to a Fair Trial." *Univ. of Dayton L. Rev.*, 1987.

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### **Presentations & Events**

- "1st Annual Bad Faith Litigation Strategies." ExecuSummit Conference, Fall 2014.
- "Hydraulic Fracturing." New Industrial Toxins Litigation Conference, December 2012, Marina del Rey, CA.
- "Attacking Plaintiff's Expert After Daubert." New York State Bar Association Seminar, 1997.
- "Product Liability - Post-Daubert." New York State Bar Association Annual Convention, 1994.

### **Professional Affiliations**

- Monroe County Bar Association
- Defense Research Institute
- National Institute for Trial Advocacy, Southeast Region

### **Community & Pro Bono**

- Coach, Pittsford Mustangs Soccer Club, 2000 - 2017
- Past Board Member, Legal Aid Society of Rochester
- Past Vice President of the Board, Main West Attorneys at Law

