



McKool Smith
300 W. 6th Street
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Austin, TX 78701
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EDUCATION

- J.D., with Honors, 1994, University of Texas. Chancellors Order of the Coif; Townes-Rice Scholar; Texas Law Review, Board of Advocates; Champion: Thad T. Hutcheson Moot Court, Champion: Carl Wilson Mock Trial, Champion: Vial Hamilton, Koch & Knox Senior Mock Trial, Champion: Strasburger & Price Senior Honors Mock Trial.
- B.A., with High Honors, 1990, University of Texas.

COURT ADMISSIONS

- State of Texas
- The U.S. Courts of Appeals for the Fifth and Federal Circuits
- The U. S. District Courts for the Northern, Eastern and Western Districts of Texas

BAR ADMISSIONS

- American Bar Association
- State Bar of Texas

SCOTT L. COLE

PRINCIPAL

Scott Cole is a principal in the Austin office of McKool Smith. His practice is commercial litigation.

REPRESENTATIVE MATTERS

David's Supermarkets. Represented plaintiff in breach of contract, fraud and DTPA case.

Individual. Retained following an adverse jury verdict to coordinate appellate, indemnity, and insurance strategy for an individual defendant in \$25 million trade secret lawsuit. Litigation settled in less than six months. Key issue in case was enforceability of indemnity agreement.

Schlumberger. Represented software developer in \$8.3 million lawsuit brought against it by the City of Austin.

EDS. Represented EDS in two billion dollar disputes against Xerox and WorldCom both involving a broad spectrum of technology services. Both matters were resolved prior to trial.

Gulf South Pipeline. Represented major pipeline company in citizen-suit seeking to force the company to spend billions for alleged violations of federal regulations. Won summary judgment.

Aircraft Sales & Leasing Corp. Represented plaintiff in breach of contract case involving purchase of a DC-8 aircraft formerly owned by the King of Saudi Arabia. Favorable settlement reached on first day of trial.

Randall's Food Markets. Represented Texas-based grocery chain in arbitration against supplier. Following two-week arbitration, obtained termination of a \$400 million per year contract, clearing the way for the client to be acquired by a major national supermarket chain.

Concorde Financial Corp. Represented employer and obtained a jury verdict for fraud and breach of the employment relationship in suit against a former employee.

Individual. Represented a high-profile couple in a series of related lawsuits in California, Texas and Delaware, arising from the sale of an air cargo company. TRO and temporary injunction hearing forced opposition into bankruptcy. Settled underlying suit and then negotiated \$1 million payment from Directors' and Officers' insurance carrier.