



Scott Drake

Partner

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Scott Drake is a leading trial lawyer with a versatile practice that intersects bankruptcy law and complex commercial litigation. He has significant experience prosecuting and defending claims in complex commercial disputes, bankruptcy litigation, and class actions in state and federal courts across the country.

Experience

Bankruptcy-related Litigation

- *National Rifle Association*: Lead litigation counsel for Official Committee of Unsecured Creditors.
- *Punch Bowl Social*: Lead litigation counsel for senior secured lender in ongoing restructuring of nationwide restaurant chain.
- *Entrec Corporation Wolverine Adversary Proceeding*: Lead counsel for court appointed monitor in breach of contract adversary proceeding.
- *Elk Petroleum*: Debtors' counsel in contentious restructuring achieved through global settlement of equity committee challenge to RSA and related Chancery Court litigation against debtors' directors and officers.
- *Connect Transport Producer Lien Litigation*: Lead litigation counsel for secured lender who obtained summary judgment in adversary proceeding brought by oil and gas producers under Oklahoma lien act.

Admissions

Bar Admissions

New York

Texas

Court Admissions

US Court of Appeals, Fifth Circuit

US District Court, Northern, Eastern, Western and Southern Districts of Texas

Education

The University of Texas, J.D., with Honors, 2000

Texas A&M University, B.B.A., Management, 1997

- *Carbo Ceramics*: Lead litigation counsel for secured lender and owner of reorganized company in successful debt for equity swap of producer of sand proppant and other products used in hydraulic fracturing.
- *Eventide Credit Acquisitions*: Lead litigation counsel in successful dismissal of three separate debtor filed adversary proceedings seeking injunctive relief and breach of contract damages.
- *ADPT DFW Holdings*: First chair litigator for publicly traded healthcare company and 139 of its affiliates in their Chapter 11 cases filed in the US Bankruptcy Court for the Northern District of Texas.
- *El Paso Children's Hospital*: First chair litigator for the largest secured creditor in the Chapter 11 proceeding for major children's hospital.
- *Vitro*: Debtors' litigation counsel in the jointly administered Chapter 11 cases of a leading fabricator, distributor, and installer of architectural flat glass and aluminum in the US.

Commercial Disputes

- Lead plaintiff's counsel in a seven-figure breach of contract case arising out of a cybersecurity event filed in Delaware. Obtained mediated settlement after only limited discovery.
- First-chaired the weeklong jury trial in West Virginia state court involving breach of contract claims arising out of employee stock option agreement.
- Lead counsel for international money transfer company in multiple breach of contract and agency disputes.
- Lead counsel for health insurance provider in breach of contract and fraud case, which was settled favorably prior to trial.
- Represented global supplier of industrial and environmental machinery in complex breach of contract and fraud case arising out of divestiture agreement.
- Represented Lloyds Underwriters as plaintiffs in fraud case against claims administrator for use of fraudulent computer software.

Class Actions

- Lead counsel for automotive component manufacturer in a nationwide federal court class action relating to various warranty and contractual indemnity claims. Successfully moved to dismiss on 5 out of 6 of plaintiffs' claims and favorably settled remaining claim.
- Lead counsel for target defendant in federal court consumer class action. Obtained summary judgment on one of the two claims. Defeated plaintiff's motion to certify a class with respect to the surviving claim.
- Lead counsel for a Hong Kong-based audit firm in securities class action pending in federal court in New Jersey. Obtained favorable settlement, which was given final approval by the court.
- Lead counsel for national retail company in successful defeat of injunction claims prior to shareholder vote.
- Lead counsel for a hedge fund in the defense and settlement of a dispute over contemplated going private transaction.

Professional Activities

Member

- Dallas Bar Association
- State Bar of Texas

Honors & Awards

- Named a Texas Rising Star, Business Litigation, *Thomson Reuters* (2008 - 2015)