



SCOTT C. NEHRBASS

PARTNER

KANSAS CITY OFFICE

7500 College Boulevard, Suite 1400

Overland Park, KS 66210-4041

T: 913.253.2144

F: 913.498.2101

snehrbass@foulston.com

PROFILE

Scott Nehrbass is a problem solver and trial lawyer, with 30 years of experience handling a wide variety of civil litigation matters for corporate and individual clients.

Scott's general civil litigation practice includes class actions and arbitrations. It covers many areas: noncompetes, trade secrets, healthcare, ERISA and employment, franchisor-franchisee, real estate and construction, landlord-tenant, business owner conflicts, breach of contract, breach of fiduciary duty, and other complex business and commercial disputes. He also defends personal injury and product liability cases.

Scott enjoys Martindale-Hubbell Law Directory's highest "AV" rating for lawyers. Chambers USA has identified him as a leading lawyer in the United States in the highly competitive area of Litigation: General Commercial. Scott's peers have selected him for inclusion in *The Best Lawyers in America*® and the *Missouri & Kansas Super Lawyers*® and named him 2025 Kansas City, KS Litigation - Real Estate "Lawyer of the Year"; 2020, 2017, and 2013 Kansas City, KS Litigation – Intellectual Property "Lawyer of the Year;" and 2016 Kansas City, KS Personal Injury Litigation – Defendants "Lawyer of the Year." Scott is a "go to" referral resource for lawyers and clients across the Kansas City area in matters involving noncompetes and other forms of restrictive covenants.

Scott serves as point-person for several of the firm's Kansas City-based clients. These clients trust Scott's experience and skillset, including his unique ability to navigate the most efficient and cost-effective path toward an acceptable resolution of the problem presented. They cover a range of industries, including technology and communications, construction, medicine and dentistry, restaurants, freight/transportation companies, media and public relations, and social services.

Scott is an experienced first-chair trial lawyer in Kansas and Missouri. He led the Foulston team through an 11-day Kansas federal jury trial, resulting in a \$12.6 million verdict in favor of Foulston's client. The Kansas City Business Journal's coverage of that trial is [here](#). More recently, Scott won a Johnson County, Missouri, trial for a franchisee accused of breaching a \$3 million commercial lease.

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ATTORNEYS AT LAW

Recently, Scott's practice has focused on the enforceability of arbitration clauses in complex commercial litigation matters. In the last two years, Scott has:

- Successfully enforced a complex arbitration clause on behalf of one of the world's largest companies within the Kansas state court.
- Successfully argued against the enforceability of an ERISA plan arbitration provision before the Sixth Circuit Court of Appeals in Nashville.
- Successfully tried a "Summary Trial" under the Federal Arbitration Act in Kansas federal court in Wichita, KS.

Scott has tried cases before a number of currently sitting Kansas federal judges, including federal judges Crabtree, Lungstrum, Vratil, Robinson, Broomes and Melgren. During his clerkship with former Kansas federal judge Monti L. Belot, he gained considerable courtroom experience and insight into trying a case. Scott has also argued appeals before the Tenth Circuit, the Sixth Circuit, and the Kansas Supreme Court and Court of Appeals.

Scott pioneered the firm's work on ERISA class actions involving the mismanagement of company 401(k) plans. The Kansas City Business Journal has also featured that work.

Scott is a leader in the Kansas bar and Kansas trial-lawyer organizations. He currently serves as President of the Kansas Bar Foundation and has also served as President of the Kansas Association of Defense Counsel and Chair of the Johnson County Bar Association's Civil Litigation Section. He is a member of the law firm's opportunity and inclusion and business development committees. He is a member of the Johnson County Bar Foundation's Board of Trustees.

Scott and his wife met as part of the "Marching Jayhawks" and have three children. Over the years, Scott has coached soccer and football and loved cheering on his kids, whether as "Band Dad," "Cheer Dad," or on the "Helmet Crew," etc. Scott is also an avid outdoorsman.

Education

- University of Kansas (J.D., 1993)
Order of the Coif; Associate Editor - *Kansas Law Review*
- University of Kansas (BA in Economics, Political Science, 1989)
With Distinction

Admissions

- Kansas (1993)
- Missouri (1995)
- Texas (2021)
- U.S. District Court for the District of Kansas (1993)
- U.S. District Court for the Western District of Missouri (1995)
- U.S. District Court for the Eastern District of Missouri (2023)
- U.S. District Court for the Eastern District of Michigan (2019)
- U.S. Court of Appeals for the Tenth Circuit (2000)
- U.S. Supreme Court (2002)

PRACTICE AREAS

- Litigation & Disputes
- Noncompete & Trade Secret Litigation
- ERISA Litigation
- Product Liability
- Insurance Defense Litigation
- Employment & Labor
- Intellectual Property

RELEVANT EXPERIENCE

Scott has appeared on National Public Radio's "All Things Considered" and been quoted in various print publications featuring cases involving his clients.

Here are a few representative cases:

- Scott first-chaired the Foulston jury trial team and handled all of the fact witnesses, opening statement, and closing argument in an 11-day Kansas federal jury trial, resulting in a **\$12.6 million verdict** in favor of the firm's client.
- Scott first-chaired a Johnson County trial, successfully defending a franchisee accused of breaching a \$3 million long-term commercial lease.
- Scott successfully prosecuted at jury trial a significant construction matter involving the Smithville, Missouri High School football stadium and press box.
- Scott led the Foulston team in successfully prosecuting a number of ERISA class actions against Kansas City-based companies, resulting in substantial settlements and reforms and improvements to company 401(k) plans.
- Scott successfully argued the cause before the Sixth Circuit Court of Appeals in Nashville, in a hotly contested and anticipated ERISA arbitration matter.
- Scott successfully tried a "Summary Trial" under the Federal Arbitration Act in Kansas federal court in Wichita, KS.
- Scott devoted his time pro bono to successfully trying two religious freedom cases in Kansas federal court.

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Identified by Chambers USA as a leading lawyer in the United States in the area of Litigation: General Commercial, 2023-2025
- Selected for inclusion in *Missouri & Kansas Super Lawyers®* List, 2019-2024 (a Thomson Reuters business)

FOULSTON

ATTORNEYS AT LAW

- Recognized by Best Lawyers® as the 2025 Litigation - Real Estate "Lawyer of the Year" in Kansas City, Kansas Area
- Selected by peers for inclusion in *The Best Lawyers in America*® in the areas of Commercial Litigation, 2010-2025; Litigation - Banking and Finance, Litigation - Intellectual Property, and Litigation - Real Estate, 2011-2025; Personal Injury Litigation - Defendants, 2013-2025; Litigation - ERISA, 2022-2025; and Mass Tort Litigation / Class Actions - Plaintiffs, 2023-2025
- Named a "Litigation Star" in the area of Dispute Resolution by Benchmark Litigation, 2021-2025
- Named a "Future Star" in the area of Dispute Resolution by Benchmark Litigation, 2019-2020
- Kansas Bar Association
- Kansas Bar Foundation, President of the Board of Trustees
- Kansas Association of Defense Counsel, former President (2007)
- The Missouri Bar Association
- Johnson County Bar Foundation, Board of Trustees
- Johnson County Bar Association, Ethics and Grievance Committee investigator (10 years) and former Chair of the Civil Litigation Section (2019)
- Kansas City Metropolitan Bar Association
- Defense Research Institute
- Kansas Selective Service System, Board of Directors
- The Litigation Counsel of America, Fellow

RECENT PRESENTATIONS

- For 10 years, Scott taught an annual seminar on civil litigation for the Kansas Bar Association and helped author the Civil Procedure chapter of the Kansas Bar Association's Annual Survey.
- For many years, Scott taught the Kansas Bar Association's "nuts and bolts" civil litigation session to incoming Kansas lawyers.
- Over the years, Scott has made many ethics presentations on behalf of the law firm and the Johnson County Bar Association's Ethics & Grievance Committee.
- Scott has made many presentations on noncompete agreements and other forms of restrictive covenants, including to in-house and corporate counsel and through Foulston's training series.

ISSUE ALERTS

2024

- Texas Federal Court Strikes Down FTC's Non-Compete Ban on a Nationwide Level
- Employers Should Prepare for the FTC's Non-Compete Ban to Go Into Effect Sept. 4; Federal District Court Refuses to Block the Ban
- FTC Issues Final Rule Banning Non-Compete Agreements

2023

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ATTORNEYS AT LAW

- FTC Issues Proposal to Ban Noncompete Agreements

2020

- Coronavirus: UPDATE on Guidance Regarding Commercial and Residential Evictions and Foreclosures
- Coronavirus: COVID-19 and Business Interruption Insurance
- Coronavirus: Guidance Regarding Commercial and Residential Evictions through May 1, 2020

2019

- Kansas Supreme Court Ruling Uncaps Damages for "Pain and Suffering"

RECENT PUBLICATIONS

2024

- A Mature Look at the New Deal — Good, Bad, and Ugly
-Kansas Bar Journal, Vol. 93, No. 2

2021

- Plan #TheBigShift Carefully to Protect Yourself From #TheBigLawsuit
-LinkedIn Article