



SCOTT C. NEHRBASS

PARTNER

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PROFILE

Scott Nehrbass is a problem solver and trial lawyer, with more than 25 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 recently identified him as a leading lawyer in the United States in the 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*®. *Best Lawyers*® and named him 2016 Kansas City, KS Personal Injury Litigation – Defendants "Lawyer of the Year;" 2013, 2017, and 2020 Kansas City, KS Litigation – Intellectual Property "Lawyer of the Year;" and 2025 Kansas City, KS Litigation - Real Estate "Lawyer of the Year."

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 restaurants, freight/transportation companies, media companies, and adoptions and social services agencies.

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.

Scott has tried cases before a number of currently sitting Kansas federal judges, including federal judges Crabtree, Lungstrum, Vratil, Robinson, 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, Kansas Supreme Court and Kansas Court of Appeals.

FOULSTON

ATTORNEYS AT LAW

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 Vice 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 diversity and business development committees.

Scott and his wife Jenny met as part of the "Marching Jayhawks" and have three children. Over the years, Scott has coached soccer and football and served as a "Band Dad" and on the "Helmet Crew," etc. Two of Scott's children are adopted, and he is passionate about serving today's youth -- the "Anxious Generation" -- and has long taught confirmation at church. Scott is also an avid outdoorsman, fisherman, and deer hunter.

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 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, 2023-2024
- Selected for inclusion in *Missouri & Kansas Super Lawyers®* List, 2019-2024 (a Thomson Reuters business)
- 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 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

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

- 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"

PUBLICATIONS

2024

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

2021

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ATTORNEYS AT LAW

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