



## Scott Hess

Of Counsel

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**Scott Hess is an experienced trial lawyer representing his clients' interest in a wide array of commercial and complex litigation disputes.**

His trial practice focuses primarily on business and corporate matters, emphasizing the resolution of complex business disputes, insurance coverage including notable work with regard to environmental matters, commercial contract disputes, products liability, real estate and construction, and probate matters.

He has tried more than 30 jury trials involving commercial disputes and has handled numerous bench trials and arbitration proceedings. Scott is admitted to practice in all state courts and U.S. District Courts in Idaho, Colorado, and New Mexico and before the U.S. Court of Appeals for the Ninth and the Tenth Circuit Courts.

### PRACTICES

Commercial Litigation  
Environmental and Natural Resources Litigation  
Banking Litigation  
State and Local Tax

### EDUCATION

University of Kansas, J.D., 1978  
University of Oregon, B.A., 1974  
*with honors*

### BAR ADMISSIONS

New Mexico  
Idaho  
Colorado

### COURT ADMISSIONS

U.S. Court of Appeals for the Ninth Circuit  
U.S. Court of Appeals for the Tenth Circuit

### EXPERIENCE

Scott is a commercial litigator handling cases involving a broad range of industries and issues, including:

- Lead counsel for several companies addressing environmental and commercial insurance disputes
- Lead counsel on a variety of real estate matters relating to sales, acquisitions, and real estate development, including dissolution disputes on real estate development disputes
- Lead counsel on construction disputes representing general contractors, subcontractors, and materialmen
- Lead counsel on disputes involving financial institutions and various types of personal and property damage issues, including those implicating governmental liability

### CLIENT RESULTS

#### Jury Trials and Arbitrations

GNG Corporation v. Rondo Perkins (commercial real estate dispute)

Daimler Chrysler v. Palmer (commercial dispute)

Olson v. Rule Steel (bankruptcy action to avoid discharge)

Peterson v. Precision Craft Log Homes (construction dispute)

Canterbury Real Estate v. Wright Bros. (construction dispute)

ITD v. CC Myers (construction dispute)

Batcha v. Logan Coach (personal injury)

Pence v. Lyons Diversified (construction dispute regarding tenant improvements)

Cambria v. Creekbridge Homes (construction dispute)

Pence v. Statell (commercial rent dispute)

Flores v. Redford (personal injury) Pinnacle Engineers v. Jayo Construction (construction dispute)

Chrysler Financial v. Kosonan (commercial dispute)

McKay v. McKay (post divorce dispute)

Piper Construction v. Plascencia (construction dispute)

City of McCall v. Payette Lakes Water and Sewer District (construction dispute)

G+ Ranches v. Gould (real estate dispute)

Woodington v. EIRMC (medical malpractice)

City of Meridian v. Petra (Idaho Supreme Court, construction dispute)

Admiral Beverage Co. v. Idaho State Tax Commission (tax dispute)

Firs Management v. Airdog (construction dispute and dissolution of LLC)

### **Other Significant Matters**

Mass Mutual v. DiMarco (disability insurance)

Aetna v. Bunker Hill (environmental coverage)

Pacific Indemnity-Chubb v. Gulf Resources (environmental coverage)

St. Paul Fire and Marine v. Simplot (environmental coverage)

St. Paul Fire and Marine v. Boise Cascade (environmental coverage)

Employers Reinsurance v. Simplot and Boise Cascade (environmental coverage)

Jansen Development v. Lexington Insurance (coverage for construction defects)

ACHD v. Settlers Irrigation District (dispute relating to construction and storm water disposal)

Feeley v. 360 Mortgage (employment)

Genworth Financial v. Idaho Housing (dispute over mortgage insurance charges)

Algre v. Stirling Reclamation (mining)

Rowley v. ACHD (scope of easement)

RSPT v. Mason Family Trust (dispute over use of investment funding)

Yarbrough v. Idaho Waste Systems (mortgage foreclosure, breach of fiduciary duties)

### **SPEAKING ENGAGEMENTS**

"Scott has been a frequent speaker on a variety of trial advocacy issues and insurance coverage issues."

### **RECOGNITION**

- *The Best Lawyers in America*© Insurance Law, 2016-2020
- *Idaho Business Review: Leaders in Law*, Lifetime Achievement Award, 2015
- Idaho State Bar, Professionalism Award, 2013
- American Inns of Court
- Martindale-Hubbell, AV Preeminent Rating

### **PROFESSIONAL AND CIVIC AFFILIATIONS**

- American Bar Association, Member
- Idaho State Bar, Member
- Boise Bar Association, Member
- Colorado Bar Association, Member
- State Bar of New Mexico, Member
- South Fork John Day Watershed Council, Board Member