

Scott W. Bermack

Partner / General Liability Practice Co-Managing Partner



New York

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Scott represents clients in civil claims involving product liability, construction and labor law, premises liability, trucking liability and personal injury and professional negligence. He litigates commercial disputes involving land use, banking, shareholder rights and fiduciary breach.

Scott's clients include national retailers, trucking companies, automobile manufacturers, medical and legal professionals, self and large retention insureds and liability insurance carriers. Scott also has experience in prosecuting and defending insurance coverage suits against carriers and insureds. He has also defended federal class action lawsuits brought under the Fair Debt Collection Practices Act.

Scott is a former New York State licensed property and casualty insurance broker. He routinely counsels clients on risk management, safety, insurance and indemnity issues. Scott has served several Presidents as General Counsel to the National Retail & Restaurant Defense Association (NRRDA) and continues to serve on its Board of Directors. He is also a member of the Advisory Board of the newly formed Sports & Entertainment Risk Management Alliance (SERMA).

He is AV rated by Martindale Hubbell. Additionally he has been included in the New York Metro Edition of Super Lawyers every year since 2008. Super Lawyers lists are issued by Thomson Reuters. *For more information regarding methodology for these accolades, pursuant to New Jersey Lawyer Advertising guidance, please see here: <https://bit.ly/WGMartindaleHubbell> and <https://bit.ly/WGSuperLawyers>. No aspect of this advertisement has been approved by the Supreme Court.*

Assistant

Steven Foceri
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Industries

Construction
Retail
Food, Beverage & Hospitality
Manufacturing
Transportation
Healthcare
Insurance
Automotive
Nonprofit
Sports Facilities and Entertainment Venues

Practices

General Liability
Product Liability
Professional Liability
Medical Malpractice
Commercial Transportation
Litigation

Education

Brandeis University, B.A., 1986
American University Washington College of Law, J.D., 1989

Bar Admissions

District of Columbia

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Representative Experience

Testimonial:

"His level of knowledge, professionalism, and ability to change direction at a moment's notice when needed was nothing less than spectacular! He completely outclasses the competition."

– Regional General Adjuster Major Case Unit at a Leading American Insurance Company

Experience

- ***Results may vary depending on your particular facts and legal circumstances.***
- Won a defense verdict in a case involving an accident between a bus and a minivan in Kings County, NY. Despite claims that the plaintiff suffered multiple traumatic herniated discs in the cervical and lumbar spine, requiring a cervical corpectomy and fusion, the jury determined that the plaintiff did not sustain the requisite "serious injury" to bring suit, thereby warranted a full dismissal.
- Won summary judgment on behalf of a multinational chain of convenience stores dismissing a high exposure premises liability case in Kings County, NY, by establishing that the alleged defect, a decommissioned fuel cap, was de minimus, trivial and therefore, not actionable.
- Won a defense verdict on behalf of a high-end specialty grocery store in a food poisoning case before the NY State Supreme Court, NY County. The 73-year-old plaintiff allegedly sustained a mast cell activation disorder as a result of developing scombroid poisoning after consuming food sold by our client. Following a trial where we convinced the jury that there was no correlation between the scombroid poisoning and the resulting hypersensitivity disorder other than the coincidental timing, the jury ruled in favor of our client, awarding the plaintiff \$1,000 for her past pain and suffering and zero dollars for her future pain and suffering.
- Won a unanimous defense verdict on behalf of a Midtown Manhattan luxury apartment building sued in NY State Supreme Court, NY County, for negligence by a pedestrian who allegedly fell on a defective sidewalk adjacent to the building. The 50 year old diabetic plaintiff allegedly sustained an ankle fracture that became infected, resulting in a below-the-knee amputation as well as kidney failure, requiring dialysis and a kidney transplant. Following a 6-day trial, it took the jury less than 30 minutes to reject plaintiff's claims and return a verdict in favor of WG's

New Jersey

New York

Court Admissions

Supreme Court of United States
United States District Court for the District of New Jersey
United States District Court for the Eastern District of New York
United States District Court for the Southern District of New York

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client.

- Won summary judgment on behalf of a international luxury clothing brand accused of negligence in a slip and fall accident on NY City sidewalk.
- Won a defense verdict from a Bronx jury in favor of an auto repair shop accused of installing a defective airbag.
- Won a full dismissal of all claims against a national retailer being sued for negligence in NY State Supreme Court, Schenectady County. The plaintiff, who was shopping in the store, allegedly sustained serious injuries when her foot got caught on a metal display shelf.
- Secured a directed verdict on behalf of a Westchester-based machine shop sued for negligence following a lawnmower roll-over accident.
- Won a unanimous defense verdict on behalf of a high end New York City hair salon and its well-known owner, sued by their landlord for alleged property damage to priceless historic racing motorcycle parts. Plaintiff claimed renovation work performed by our client caused a caustic solution to flood his race shop, irreparably damaging aerospace grade engine parts and effectively ending his ability to race and show these storied Italian Grand Prix racing motorcycles.
- Won a defense verdict on behalf of a Rockland County (NY) shopping center owner blamed for a pedestrian knockdown accident in the parking lot. The pedestrian, who allegedly suffered from a traumatic brain injury in addition to numerous orthopedic injuries, claimed inadequate lighting and traffic control was to blame.
- Secured a defense verdict on behalf of an ophthalmologist charged with improperly performing lasik surgery.
- Obtained favorable settlements on behalf of numerous retailers, restaurant chains and hospitality companies in personal injury litigation.
- Obtained a dismissal of all claims made against a prominent Manhattan Internist accused of malpractice by the family of a 79-year-old stroke victim who developed decubitus ulcers and died of osteomyelitis.
- Won a defense verdict in favor of a prominent Bronx orthopedic surgeon accused of mismanaging a fracture.
- Won summary judgment on behalf of the developer and general contractor of a Midtown Manhattan luxury apartment building sued by a worker struck by falling construction materials.
- Won a defense verdict in favor of a Michigan corporation in a products liability case involving a conveyor-driven document shredding system.

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- Won a defense verdict on behalf of an anesthesiologist charged with improperly giving spinal anesthesia to an anti-coagulated patient. The patient claimed she developed a spinal hematoma as a result of the procedure.
- Awarded summary judgment dismissing all Labor Law and negligence claims brought against a leading importer of wine and spirits and its general contractor by a dockworker, who fell from a floating stage while repairing a bulkhead.
- Obtained summary judgment, dismissing a putative class action law suit brought against a worldwide debt collection agency, sued for alleged violations of the federal Fair Debt Collection Practices Act (FDCPA).
- Obtained a defense verdict on damages in a case brought by a pedestrian who claimed to have sustained brain damage when was struck in the head by a slab of glass that fell from the marquee of a Manhattan skyscraper.
- Won a motion for summary judgment filed on behalf of a driver involved in a serious motor vehicle accident. The plaintiff sustained catastrophic injuries and brought suit in New York State Supreme Court, Dutchess County.
- Secured a dismissal of all claims of medical malpractice brought on behalf of a brain damaged child against a Brooklyn ob/gyn who provided labor and delivery care.

Professional & Community Involvement

Claims and Litigation Management Alliance (CLM), Chair, New York Labor Law Subcommittee of the Construction Committee

National Retail Restaurant Defense Association (NRRDA), Board of Directors

New York State Bar Association, Member

Risk Insurance Management Society (RIMS), Member

Sports & Entertainment Risk Management Alliance (SERMA), Advisory Board Member