

Beus Gilbert McGroder PLLC



Scot C. Stirling

Member

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PRACTICE AREAS: ACCOUNTANT AND LAWYER
LIABILITY | BUSINESS TORT LITIGATION | COMPLEX
BUSINESS LITIGATION | FINANCIAL FRAUD
LITIGATION | NATURAL RESOURCES AND

Scot C. Stirling is a member of Beus Gilbert McGroder PLLC, a premier boutique law firm concentrating on High Stakes Litigation, Real Estate and Zoning Law, and Plaintiffs Catastrophic Injury & Wrongful Death. Mr. Stirling is a member of the firm's Plaintiffs Commercial Litigation practice. His litigation practice emphasizes claims for fraud and financial shenanigans of all kinds, against investment banks and financial advisors, accounting firms, law firms, and corporate directors and officers. Since joining the firm in 2002, he has taken a leading role in litigation, trials, and appeals resulting in judgments and settlements of nearly \$600 million, and has assisted with others resulting in settlements in excess of \$650 million.

For more than 20 years Mr. Stirling was involved in Arizona and interstate water and natural resources litigation, infrastructure and development issues, and complex litigation and appeals raising several issues of first impression in Arizona courts. He has been recognized by his peers as an AV[®] Preeminent Lawyer in Martindale-Hubbell for more than twenty-five years, and was named Litigator of the Week by The AmLaw Litigation Daily in 2015 for winning a \$118 million jury verdict for a bankruptcy trustee against The Renco Group in New York.

Prior to joining the firm, Mr. Stirling's practice involved complex business and real estate litigation, with a significant concentration on major water and natural resources litigation in Arizona and the Southwest. From 1985 to 1987, he served as Chief Litigator for the Arizona Department of Water Resources, with responsibility for the state's water litigation and appeals, including enforcement of the 1980 Groundwater Management Act, Native American water rights settlement negotiations, the Law of the River, the Central Arizona Project (CAP) Plan Six litigation, Safety of Dams, and inter-basin water transfers. After returning to private practice, Mr. Stirling remained involved in major litigation and disputes about the Law of the River, Arizona's repayment obligation for the CAP, the construction and alignment of the CAP aqueduct, the allocation of CAP water and subcontracts, and major water and wastewater infrastructure issues and disputes in every part of the State, from the Border with Mexico to the Grand Canyon.

Mr. Stirling was one of the lead attorneys for twelve Arizona counties in two lawsuits to claim a major share of more than \$3 billion in proceeds from the 1998 Tobacco Master Settlement Agreement, and won partial summary judgment for the counties before the disputes were resolved by Arizona voters' adoption and funding of the Arizona Healthy Children, Healthy Families Fund with settlement proceeds.

Mr. Stirling is fluent in Spanish, Portuguese and some Italian.

ADMISSIONS:

U.S. Supreme Court | U.S. Court of Appeals - Ninth Circuit | U.S. Court of Appeals - Second Circuit | U.S. Court of Federal Claims | U.S. District Court – District of Arizona | Supreme Court of the State of Arizona

EDUCATION:

University of Arizona, B.A. - Archaeology/Linguistics and Romance Languages (double major), with distinction, 1971

University of Michigan – J.D., cum laude, 1978

Representative Matters

\$213 million judgment after jury trial in New York for fraudulent conveyances and breaches of fiduciary duty against the parent corporation and the director/principal shareholder of two bankrupt metals companies, on behalf of the bankruptcy trustee

Represented the Bankruptcy Trustee in Arizona for a national fast food chain, against defendants including two national accounting firms, three investment banks, two law firms, and former officers and directors, resulting in settlements in excess of \$280 million

Represented the Bankruptcy Trustee in Georgia for a national floor covering business, against national accounting firms, investment banks, and former officers and directors, resulting in settlements in excess of \$60 million

Represented institutional investors in a regional supermarket chain against a private equity firm, investment banks, and other defendants in Alabama state court, resulting in settlement in excess of \$30 million

Representation of the liquidator for a hedge fund against auditors, attorneys, and investment bankers in New York, resulting in settlements of more than \$145 million

Representation of paper industry Bankruptcy Trustee in California against national accounting firm, investment bankers, and others resulting in \$55 million settlement

Representation of major university and professor in Utah in connection with breach of contract and inventorship and misappropriation of trade secrets against pharmaceutical company and its predecessors resulting in settlement of \$450 million

Represented twelve Arizona counties with claims to \$3 billion in tobacco settlement proceeds; won partial summary judgment as to liability in the trial court, before disputes were resolved by Arizona voters' adoption and funding of the Arizona Healthy Children, Healthy Families Fund with settlement proceeds

Represented plaintiff railroad in a jury trial for breach of \$100+ million long-term coal transportation contract, with verdict and judgment for client affirmed by Arizona Court of Appeals

Represented the City of Tucson in litigation to limit Arizona's Central Arizona Project

Professional Distinctions

Ranked AV® Preeminent™ by Martindale Hubbell – *AV® Preeminent™ and BV® Distinguished™ are certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies

Named, Litigator of the Week in The AmLaw Litigation Daily, March 5, 2015, for \$118+ million jury verdict in case against Ira Rennert and the Renco Group

Arizona Attorney General's Award for Highest Score on State Bar Exam

Memberships & Activities

Arizona State Bar Committee on Civil Practice and Procedure, 1980-1991, 1996-2004, and 2016-present

Member, Arizona-Sonora Judicial Relations Project, 1991-94

Reported Cases

Buchwald v. Renco Group, 539 B.R. 31 (S.D.N.Y. 2015) | *Buchwald v. Renco Group (In re Magnesium Corp. of America)*, 399 B.R. 722 (Bankr. S.D.N.Y. 2009)

Levine v. Suntrust Robinson Humphrey, 321 Ga. App. 268, 740 S.E.2d 672 (2013)

Cucinotta v. Deloitte & Touche, LLP, 129 Nev. ___, 302 P.3d 1099 (2013)

Mayer Brown, LLP v. Newman, 126 So.3d 1067 (Fla. 4th DCA 2013)

Brigham Young University v. Pfizer, Inc., 861 F.Supp.2d 1320 (D. Utah 2012)

In re Refco Securities Litigation: Kenneth M. Krysv. Christopher Sugrue, 859 F.Supp.2d 644 (S.D.N.Y. 2012)

Ex parte Kohlberg Kravis Roberts & Co., 78 So.3d 959 (Ala. 2011)

In re Parmalat Securities Litigation, 570 F. Supp.2d 521 (S.D.N.Y. 2008) | *In re Parmalat Securities Litigation*, 477 F.Supp.2d 637 (S.D.N.Y. 2007) | *In re Parmalat Securities Litigation*, 421 F.Supp.2d 703 (S.D.N.Y. 2006) | *In re Parmalat Finanziaria S.P.A.*, 320 B.R. 46 (S.D.N.Y. 2005) | *Bondi v. Grant Thornton Intern.*, 322 B.R. 44 (S.D.N.Y. 2005) | *In re Parmalat*, 383 F.Supp.2d 587 (S.D.N.Y. 2005)

Smith v. Arthur Andersen LLP, 2005 WL 5976558 (D. Ariz. 2005) | *Smith v. Arthur Andersen LLP*, 2004 WL 5524088 (D. Ariz. 2004) | *Smith v. Arthur Andersen LLP*, 175 F.Supp.2d 1180 (D. Ariz. 2001)

In re Crown Vantage, Inc., 421 F.3d 963 (9th Cir. 2005) | *In re Crown Vantage, Inc.*, 2004 WL 1635543 (N.D. Cal. 2004) | *In re Crown Vantage, Inc.*, 2002 WL 32872440 (N.D. Cal. 2002)

Alliance of Automobile Mfrs. v. Hull, 137 F. Supp. 2d 1165 (D. Ariz. 2001)

State v. Brown & Williamson Tobacco Corp., 196 Ariz. 382, 998 P.2d 1055 (2000)

Central Arizona Water Conservation District v. United States, 32 F.Supp.2d 1117 (D. Ariz. 1998)

In re Estate of Travers, 192 Ariz. 333, 965 P.2d 67 (App. 1998)

Central Ariz. Irr. & Drainage Dist. v. Lujan, 764 F.Supp. 582 (D. Ariz.1991)

La Paz County v. Yuma County, 153 Ariz. 162, 735 P.2d 772 (1987)

Arizona Public Service Co. v. Long, 160 Ariz. 429, 773 P.2d 938 (1989)

Seven Springs Ranch v. Ariz. Dept. of Water Resources, 156 Ariz. 471, 753 P.2d 161 (App. 1987)

Aikins v. Ariz. Dept. of Water Resources, 154 Ariz. 437, 743 P. 2d 946 (App. 1987)

Collier v. Ariz. Dept. of Water Resources, 150 Ariz. 195, 722 P.2d 363 (App. 1986)

Hernandez v. City of Phoenix, 130 Ariz. 566, 637 P. 2d 1069 (App. 1981)

Publications

Reasonable Expectations of Insurance Coverage and the Problem of Environmental Liabilities, 22 ARIZ. ST. L.J. 395 (1990)

NAFTA, NEPA, NACE/ECE and the National Law Center: Free Trade and the Environment, in MAKING FREE TRADE WORK IN THE AMERICAS (B. Kozolchyk, ed. 1993)

Contributing author, ARIZONA ENVIRONMENTAL LAW MANUAL, Chapter 5, "International Environmental Law" (1995)

Presentations

Represented National Law Center for Inter-American Free Trade at US-Mexico Border Infrastructure Conferences, 1993-1994

Speaker, Water and Natural Resources Infrastructure Development, CONTEO Conference, Mexico City, 1994

Speaker, U.S.-Mexico Border Environmental and Water Issues, at the US-Mexico Judicial Exchange Program Border Conference, San Diego, California, 1998

Speaker, Arizona-Sonora Trade: Five Years After NAFTA, at the Instituto Tecnológico de Estudios Superiores de Monterrey (ITESM), Hermosillo, Mexico, 1999

Speaker, Publicly Speaking (Ethical Issues for Public Lawyers), Prescott, Arizona (Fifth Annual Public Lawyers Seminar), 2002