

## Biography

Scott Malzahn's practice focuses on business, tort and intellectual property disputes. He has successfully represented Fortune 100 companies and individual clients at all stages of litigation, ranging from pre-dispute resolution through trial and appeal. He has served as lead trial counsel and argued motions in both federal and state courts in California, as well as in other jurisdictions. He is an Adjunct Professor of Law at USC Gould School of Law where he teaches courses in Constitutional Law and Contracts. He previously taught Civil Procedure at UCLA. He is a Board Member of Equality California, the nation's largest statewide lesbian, gay, bisexual and transgender civil rights organization.

Before joining Baker Marquart, he represented many of the country's largest corporations at Gibson, Dunn & Crutcher and Howrey Simon in Los Angeles. He then joined a boutique plaintiff's contingency firm where he managed dozens of litigation matters ranging from personal injury matters to complex consumer class actions. He has continued to draw upon these experiences at Baker Marquart where he represents both plaintiffs and defendants in an aggressive, strategic and cost-conscious manner.

Scott has handled many high-profile cases. He was a member of the trial team in *Perry v. Schwarzenegger*, which won a historic federal court decision striking down California's ban on same-sex marriage as a violation of the Fourteenth Amendment to the U.S. Constitution. He also won political asylum for a young Iraqi boy and his family after CNN covered the story of a terrorist attack on the boy in dozens of news articles and on television. Scott has



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consistently been named a “Rising Star” by Los Angeles magazine from 2012 through 2016.

Scott graduated from UC Hastings in the top 1% of his class, where he won an intercollegiate moot court competition and received a prestigious scholarship from law school faculty. He graduated *summa cum laude* from The College of William and Mary with a Bachelor of Science degree. He was selected by his college faculty to join *Phi Beta Kappa*, and worked during college as a Ropes Course Instructor. He enjoys playing beach volleyball.

### **Representative Engagements**

- Won a “landmark” summary judgment ruling, in which a federal court found, for the first time, that an Internet-based service that retransmits broadcast programming over the Internet is eligible for a compulsory copyright license as a cable system under the Copyright Act.
- Served on the trial team in *Perry v. Schwarzenegger*, winning the first federal court decision in the country finding a constitutional right to marriage equality.
- Served as second-chair in a trial involving a dispute over a settlement agreement in a class action handled by a different firm.
- Successfully managed and settled multiple patent infringement actions involving a hologram technology.
- Won summary judgment for a major commercial airline lessor in a breach of contract case that it filed against a former lessee.
- Defeated motions to dismiss filed by three separate defendants against a doctor’s clinic in a complex antitrust action involving a federal program for vaccines.

- Won a motion to dismiss and obtained a dismissal of all claims brought against Domino's Pizza which had been sued by its franchisee for various antitrust and breach of contract claims.
- Represented NBA Hall of Famer Elgin Baylor in his appeal in a discrimination case brought by him against Donald Sterling and the Clippers.
- Advised entertainment clients on labor and employment matters concerning high-profile directors and actors.
- Represented the heirs of Armenians who died or lost their homes during the Armenian Genocide in class actions against insurance providers, banks and the Republic of Turkey.
- Represented Fortune 500 companies in the aerospace and energy industries in actions against their insurance carriers for third-party liability claims and business interruption losses.
- Managed a \$20 million dollar class action filed against a health care provider for alleged violations of patient privacy.
- Handled several appeals in federal and state courts, including an amicus brief filed with the U.S. Supreme Court in a military justice case.
- Handled a wrongful death action against the United States arising out of the deaths of two teenagers at an abandoned military bunker.

### **Publications/Speaking Engagements**

- "State Sponsorship and Support of International Terrorism: Customary Norms of State Responsibility", 26 Hastings Int'l & Comp. L. Rev. 83 (2002)
- Guest Panelist, American Psychological Association, Annual Convention (2011)

- Key Note Speaker, Colorado GLBT Bar Association, Annual Awards Dinner (2011)
- “Ninth Circuit Joins Other Circuits In Holding Corporations Potentially Accountable For War Crimes,” Los Angeles Daily Journal (November 8, 2011)
- “What November Means for California Justice,” Daily Journal (October 29, 2012)
- “SB 491: Protecting Consumers’ Right to Join Together,” Daily Journal (June 25, 2012)
- “The Alien Tort Statute: A Powerful Weapon Against Corporations Engaged in War Crimes,” Daily Journal (November 8, 2011)

### **Admissions**

California

Ninth Circuit Court of Appeals

Central District of California

Northern District of California

Southern District of California

D.C. Circuit Court of Appeals