Scott S. Morrisson

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Mr. Morrisson counsels clients and litigates disputes involving a wide range of civil and commercial litigation matters. Particular areas of focus include business and contract disputes, employment law, corporate shareholder disputes, banking liability, personal and business torts, and ESOP related litigation. Mr. Morrisson has served as lead counsel in numerous jury trials, bench trials, preliminary injunction hearings, and arbitrations in state and federal courts and arbitration bodies throughout the country, including Indiana. He routinely resolves cases through motion practice and mediation as well.

In addition to litigating, Mr. Morrisson frequently represents individuals and employers in negotiating, drafting, and evaluating employment, non-compete, non-solicitation, confidentiality, trade secret, and other related agreements.

Mr. Morrisson is a Board Member of the Seventh Circuit Bar Association and a member of the Indiana Commercial Courts Committee. He has also been active in firm management, having served on the firm's Executive Committee and as the Litigation Practice Chair.

Education

- J.D., *cum laude*, Indiana University School of Law, Indianapolis, Indiana, 1987
- B.A., *with Distinction*, Hanover College, Hanover, Indiana, 1984

Bar & Court Admissions

- Indiana, 1987
- U.S. District Court for the Southern District of Indiana, 1987
- U.S. District Court for the Northern District of Indiana, 2003
- U.S. Court of Appeals 7th Circuit, 1990

Practices

- Class Action and Multi-Party Litigation
- Litigation and Dispute Resolution
- Financial Services Litigation
- Labor and Employment
- Employee Stock Ownership Plans

- Employee Benefits and Executive Compensation

Industries

- Financial Services
- Employee Stock Ownership Plans

Representative Experience

- Lead counsel in federal court for national business consulting firm against Indiana regional hospital involving claims for breach of contract, fraud, promissory estoppel, and statutory interpretation, resolved short of trial through multiple mediation sessions and motion practice. (2024).
- Lead counsel for national grocery corporation defending claims of breach of contract, negligence, conversion, and promissory estoppel involving a 50-year-old lease and title dispute resolved at mediation. (2023-24).
- Co-lead defense counsel in multiple class action lawsuits defending financial institutions against plaintiffs seeking unpaid overdraft or similar fee claims, successfully settled following significant litigation and motion practice. (2023-24).
- Lead counsel obtaining an affirmative preliminary injunction for breach of contract and specific performance, in Indiana state court dispute between real estate developers to require construction of a road and other issues, settled following the granting of the preliminary injunction. (2023-24).
- Co-lead counsel for successful Indiana state court jury trial regarding claims of breach of fiduciary duty, breach of contract, civil theft, and conversion. (2023).
- Lead counsel obtaining the release of an employed physician from the physician's medical group and the physician's non-compete and related contractual obligations in an AAA arbitration matter. (2023).
- Lead counsel defending national commercial lessee from breach of contract and ejectment claims by landlord-lessor in the backdrop of COVID-19. Full agreed resolution one month prior to trial. (2021-22).
- Lead counsel defending claims against state bank for violation of the Indiana Deceptive Consumer Practices Act and unjust enrichment regarding ACH fees. Following the filing of a motion to dismiss, plaintiffs dismissed the case in its entirety. (2021).
- Lead counsel defending claims against national franchisor for violation of the Indiana Franchise Disclosure Act, Indiana Deceptive Franchise Practices Act, and fraud. The defendant franchisor's motion to dismiss was granted, fully dismissing the case. (2021).
- Lead counsel in federal court defending claims against national bank for claim alleging violations of the Telephone Consumer Protection Act (TCPA). Summary judgment was granted in favor of the bank, affirmed on appeal. *Calvin Jackson v. Regions Bank*, 2020 WL 4430588 (S.D. Ind. July 31, 2020).
- Lead counsel defending claims against former employees in federal court for violation of the Federal Defend Trade Secrets Act, Lanham Act, Indiana Trade Secrets Act, common law unfair competition, tortious interference with business relationships, tortious interference with contract, civil conversion, breach of fiduciary duty, and civil conspiracy, resolved by agreement well before trial, (2020).
- Co-lead counsel in defense of one week arbitration trial brought by Italian national company against national franchisor alleging claims of breach of contract, promissory estoppel, Indiana Deceptive Franchise Practices

Act, fraud, breach of fiduciary duty, and other claims, resulting in a full defense verdict, including awarding to the franchisor the full amount of its attorney's fees. (2019-2020).

- Lead counsel in federal court defending breach of fiduciary duty and other related claims brought by the United States Department of Labor against the company, the ESOP trustee, and a company board member. Following the filing of the Complaint in November 2017 and discovery and motion practice, the case was successfully resolved in 2019 by a Consent Judgment for less than 10% of the DOL's claimed amount of damages. *United States Department of Labor v. Big G Express, Inc., et al*., 4:17-cv-73 (E.D. Tenn. 2017-2019).
- Lead counsel defending national franchisor against claims brought by franchise group for breach of contract, breach of covenant of good faith and fair dealing, fraudulent inducement, constructive fraud, and negligent misrepresentation. The case was resolved and settled with minimal discovery and while the client's motion for summary judgment was still pending. Settlement entailed the dismissal of the litigation with prejudice and the payment by plaintiffs of a portion of client's attorney's fees. *Steaks of Virginia, LLC v. Steak N Shake Enterprises, Inc.*, 1:18-cv-1048 (S.D. Ind. 2018-2019).
- Lead counsel prosecuting claims against departing president and new employer for breach of contract, tortious interference with contractual relationship, theft of trade secrets, and civil conspiracy (2016-2018).
- Lead counsel in the defense of a national accounting and forensic company against claims brought by a national public company for professional malpractice, negligence, breach of contract, fraud and deceit, constructive fraud, breach of fiduciary duty, aiding and abetting breach of fiduciary duty, civil conspiracy, and criminal deception (2016-2018).
- Lead counsel in the successful prosecution of multiple claims against departing shareholders and employees to a competing company, alleging claims for breach of fiduciary duty, breach of contract, tortious interference with contractual and business relations, theft of trade secrets, conversion, and related claims. Obtained summary judgment on the breach of fiduciary duty against the departing employee minority shareholder, and following significant motion practice and discovery, reached resolution and settlement prior to trial including an Agreed Judgment in favor of client regarding certain claims (2016-2018).
- Co-lead counsel representing an ESOP trustee fiduciary in the defense of the consolidated class action brought by ESOP participants and the Department of Labor, claiming the right to recovery of one of the largest ESOP damage awards in the history of United States ESOP litigation. The Plaintiffs claimed the Defendants violated ERISA and breached their fiduciary duty in connection with the purchase of Mona Vie, Inc. outstanding stock for the Mona Vie ESOP for $186 million. Following extensive motion practice, discovery, and a two-day mediation with multiple attendees, the lawsuit was resolved and subsequently approved by the court. *Kelly Jessop v. Dallin Larsen, Bankers Trust Company, et al,* 2:14-cv-916 (D. Utah 2014-2017), and *United States Department of Labor v Bankers Trust Company et al*, 2:16-cv-1159 (D. Utah 2016-2017).
- Lead counsel on successful defense of hotel franchisee against claims brought by national hotel franchisor seeking in excess of $200,000 in franchise fees and attorney's fees in AAA arbitration. The arbitrator ruled the franchisor committed a prior material breach precluding all of the franchisor's claims against the franchisee (2015-2016).
- Lead counsel representing real estate developer successfully prosecuting claims against recalcitrant purchaser through summary judgment and appeal recovering over $5 million in specific performance, interest, and attorney fees, involving issues of breach of contract, anticipatory repudiation, laches, estoppel,

and related claims. *Metro Holdings One, LLC v. Flynn Creek Partners, Inc.*, 25 N.E.3d 141 (Ind. Ct. App. 2014) (2013-2015).

- Lead counsel representing nationally renowned University against breach of contract claim by corporate plaintiff alleging over $10 million in damages (2014-2015).
- Lead counsel representing corporate defendant sued in federal court for over $9 million for breach of contract regarding computer implementation services (2013).
- Lead counsel representing banking and pharmacy group interests in Indiana federal district court litigation asserting state and federal constitutional and statutory claims against Indiana state agencies (2011-2012).
- Lead counsel through jury trial with successful defense through appeal of employment related bullying and intentional infliction of emotional distress claims (2011).
- Lead counsel through jury trial between real estate developers successfully prosecuting claims of conversion, trespass, and related claims (2011).
- Lead counsel for Indiana company sued in Oklahoma federal court obtaining the dismissal of all claims for bad faith, fraud, misrepresentation, and RICO, affirmed on appeal by the Tenth Circuit Court of Appeals. *Lundahl v. Pennsylvania Manufacturers Association Insurance Co.*, 2011 WL 4537733 (10th Cir. 2011).
- Lead counsel representing a Danish national sued in Indiana state court for claims of breach of contract, breach of fiduciary duty, tortious interference, and misappropriation of trade secrets under Indiana and European law, obtaining the dismissal of all such claims based on comity and jurisdictional reasons. *Brightpoint, Inc. v. Pedersen*, 930 N.E.2d 34 (Ind. Ct. App. 2010).
- Lead counsel representing out-of-state corporate and individual plaintiffs against Indiana corporate defendants involving allegations of fraud, conversion, and breach of contract, resulting in a $1 million plus settlement following multiple mediation conferences without the filing of a lawsuit (2010).
- Lead counsel obtaining preliminary injunction for Indiana accounting firm against departing employees involving claims of conversion, theft, breach of fiduciary duty, breach of contract, and related claims (2010).
- Lead counsel to numerous employers in multiple industries in federal and state courts in Indiana and throughout the country culminating in settlement, summary judgment, or trial, of Title VII discrimination, wrongful discharge, retaliation, Americans with Disabilities Act, Age Discrimination in Employment Act, commission, wage, bullying, and multiple other employment claims. Successful defense includes *Smith v. Lafayette Bank & Trust,* 2010 WL 3894167 (N.D. Ind. 2010).
- Lead counsel to resolution of numerous related state and federal Indiana lawsuits on behalf of a national title insurer stemming from the largest commercial bankruptcy and fraud by an Indiana home builder in state history, involving multiple legal theories and title issues with millions of dollars at issue. Successful defense includes *First Internet Bank of Indiana v. Lawyers Title Insurance Co.*, 2009 U.S. Dist. Lexis 59673 (S. D. Ind. July 13, 2009).
- Co-lead counsel in trademark infringement case in Michigan federal court involving complex claims of trademark infringement, unfair competition, and false advertisement involving nationally known products culminating in a confidential resolution following significant nationwide discovery, considerable motion practice, and the granting of a preliminary injunction in favor of client (2009).
- Lead counsel to trial and/or through preliminary injunction phase in numerous covenants not to compete, trade secret, non-solicitation, and related issue cases for employees and employers with successful results

in federal court and state court including through the Indiana Court of Appeals, including the frequently cited decision of *Titus v. Rheitone, Inc*., 758 N.E.2d 85 (Ind. Ct. App. 2001).

- Lead counsel in Indiana federal court lawsuit obtaining the recovery of over $3 million for the sellers of a business involving claims of breach of contract, breach of warranty, fraud, and fraud in the inducement of the contract (2008).
- Lead counsel defending three Indiana state court lawsuits for breach of family trusts, wrongful termination, and dissenter's rights litigation following the sale of a closely held Indiana chartered bank with millions of dollars at issue (2006).
- Lead counsel in Indiana state court lawsuit for unpaid commissions, fraud, and breach of contract claims against Indiana corporate defendant, resulting in successful resolution one day short of jury trial (2005).
- Co-lead counsel in Massachusetts federal court jury trial of the nationally news reported breach of contract case of *Shawn Kemp v. Reebok, Inc.* (2001), resolved during trial.
- Lead counsel for mall owner and developer in a two-week jury trial defending claims of parking lot and roadway design defects with stipulated personal injury damages of $4.6 million (2000).
- Co-lead defense counsel in Indiana state court jury trial involving products liability and breach of warranty claims resulting in a $755,000 verdict affirmed on appeal in the frequently cited decision of *Harlan Sprague Dawley, Inc.* v. S.E. Lab, Inc., 644 N.E.2d 615 (Ind. Ct. App. 1994).
- Lead or co-lead counsel in numerous arbitrations in Indiana and throughout the country involving claims of breach of contract, corporate valuation, life insurance, actuarial principles, reinsurance, employment, termination of distributorships, franchise law, personal injury, etc.
- Mr. Morrisson defended earlier in his career and tried to a jury, judge, arbitrated, or settled hundreds of cases representing defendants in personal injury claims, including product defect, automobile, premises liability, wrongful death, etc., through appeals such as *Mark Gleaves v. Messer Construction Company and PERI Formwork Systems Inc.*, 77 N.E.3d 1244 (Ind. Ct. App. 2017); and *Dee v. Becker*, 636 N.E.2d 176 (Ind. Ct. App. 1994). Mr. Morrisson has also represented injured plaintiffs with such claims, including recovery in an Indiana state court jury trial of $800,000.

Professional Associations

- ????Member, Indiana Commercial Court Committee
- Board Member, Seventh Circuit Bar Association
- Member, Indianapolis Bar Association; Young Lawyers Division President and Board of Managers,1990
- Member, Indiana State Bar Association
- Member, Indianapolis Law Club
- Indiana Certified Mediator
- Member, National Center for Employee Ownership (NCEO)
- Member, The ESOP Association
- Member, Employee-Owned S Corporations of America (ESCA)
- Former Board Member, Carmel Dads' Club, Inc.

- Former President, Carmel Baseball Backers, Inc.
- Former Board Member, Carmel Young Life
- Former Board Member, Carmel Education Foundation
- Former Corporate Board Member, Storage Solutions, Inc.
- Active in various Carmel school, sport, civic and charitable organizations

Awards & Recognitions

- Indiana Super Lawyers, 2009-2026
- Indianapolis Monthly Top Lawyer, 2026
- Distinguished Fellow, Indianapolis Bar Foundation, 2002 - Present
- AV Preeminent Rated Attorney (Martindale Hubbell)
- Indiana appointed Surrogate Attorney

Seminars & Presentations

- Presenter, Indiana Physicians Non-Compete Agreements - What is New and When Are They Legal?", Indiana State Medical Association Webinar, May 14, 2025
- Presenter, "Unpacking the Noncompete Law", Indiana State Medical Association Podcast, May 12, 2025
- Presenter, "What About Customer non-Solicitation Agreements", Indiana Law Club, April 24, 2025
- Co-Presenter "New FTC Regulation of Non-compete Agreements," Krieg DeVault Podcast Series, May 9, 2024
- Presenter, "Indiana Physician Non-Competes," Indiana Osteopathic Association 2023 Virtual Spring Update, May 19, 2023
- Presenter, "How to Try a Case in the Indiana Commercial Courts," Indiana Continuing Legal Education Forum, March 4, 2023
- Presenter, "Depositions, Evidence and Experts," Indianapolis Bar Association Continuing Legal Education Seminar, November 22, 2021
- Presenter, "Biden Administration Issues Executive Order on Promoting Competition" Krieg DeVault Podcast Series, July 21, 2021
- Presenter, “Arbitration Clauses: Things Every Financial Institution Should Consider Before Agreeing to Arbitrate,” Krieg DeVault Webinar, June 23, 2021
- Presenter, "The Tougher Topics of Employment Law: Non-Competes and Updates," Indiana Continuing Legal Education Forum, 2021
- Presenter, "Defending EEOC and Employment Law Claims: Standard and Unique Defenses for the Industry," Indiana Health Care Association Virtual Assisted Living Conference, 2020
- Presenter, "ESOP Legal Update 2020," The Indiana Chapter of the ESOP Association Annual Conference, 2020
- Presenter, "Legal ESOP Update: It's 2019 - Where Do We Stand?", 2019

- Presenter, "Responding to and Surviving DOL Investigations, Audits and Lawsuits: From Beginning to End," 2018
- Presenter, "Hot New Legal & Regulatory Issues for ESOPs," 2018
- Presenter, "The Courts, DOL, Code and Congress - A Legal, Legislative and Regulatory Update," 2017
- Presenter, "Legal Update And Hot Issues With The Department of Labor And ESOP Plan Participants In Properly Valuing ESOP Companies," 2017
- Presenter, "Hot New Legal & Regulatory Issues for ESOPs," 2017
- Presenter, "Dealing with and Surviving DOL Investigations: Start to Finish," 2016
- Presenter, "The Life of Your ESOP: Decisions You Need to Think About," 2016
- Presenter, "Legal Update: ESOP Litigation & Investigations," 2016
- Presenter, "Using Experts - Tips and Traps," 2015
- Presenter, "Covenants Not to Compete and Trade Secrets," 2015
- Presenter, "Fiduciary and D&O Liability Insurance Issues for ESOPs," 2014
- Presenter, "Helpful Hints for ESOP Fiduciaries: Advising and Surviving Litigation," 2014
- Presenter, "How to Protect Your ESOP Against Litigation," 2014
- Presenter, "Building Your Civil Trial Skills," 2013
- Presenter, "Indiana Non-Compete Law," 2012
- Presenter, "Civil Settlement and Litigation Negotiation Strategies," 2011
- Presenter, "How to Handle and Represent a Client in a Residential or Commercial Fire Loss Claim," 2011
- Presenter, "Civil Arbitration," 2007
- Presenter, "Tricks of the Trade: Advanced Methods to Win or Lose a Covenant Not to Compete Case," 2006
- Presenter, "Drafting, Revising and Litigating Your Client's Employee Handbook," 2005
- Presenter, "How to Handle a Fire Loss Claim," 2003
- Presenter, "Indiana Personnel Law Update, Sexual Harassment," 2003
- Presenter, "Business Litigation in Indiana," 2002
- Presenter, "Indiana Advanced Litigation Skills for Paralegals," 2001
- Presenter, "Bad Faith Litigation in Indiana," 2001
- Presenter, "Mediation, Arbitration, and Negotiation Skills for Attorneys," 1997
- Presenter, "Top Ten Tips, State Court Motion Practice," 1995 - 2000
- Guest Speaker, Valparaiso School of Law, Covenant Not to Compete law (2001 to 2014)
- Butler University, Business Law, Adjunct Professor, 1990

Publications

- Co-Author, "The End of Physician Noncompetes in Indiana Hospitals: A Look into Indiana Senate Enrolled Act No. 475", April 28, 2025

- Co_Author, "Financial Institutions Use of “Meta Pixels” Targeted in Latest Class Action Trend", January 13, 2025
- Co-Author, "Physician Non-Competes - The Old, The New and the future", The Indiana Lawyer, July 17, 2024
- Co- Author, "FTC Issues Rule Banning Non-Compete Agreements", April 25, 2024
- Co-Author, "New Indiana Law Will Clarify How Financial Institutions May Make Changes to Deposit Account Agreements", March 13, 2024
- Co-Author, "NLRB’s General Counsel Issues New Guidance Memo Challenging Non-Compete Agreements as Violating Section 7 of the NLRA," June 2, 2023
- Co-Author, "New Law Further Restricts Indiana Physician Noncompetes," April 26, 2023
- Co-Author, "FTC Proposes Rule to Ban Non-Compete Agreements," January 9, 2023
- Author, "Protect Your Company's Trade Secrets with a Trade Secret Audit," October 4, 2021
- Co-Author, "Supreme Court Confirms that to Violate the TCPA your Automatic Telephone System Must Use a Random or Sequential Generator," April 7, 2021
- Co-Author, "Indiana Financial Institutions Continue to be Targeted in Class Action Overdrafts and NSF Lawsuits," February 3, 2021
- Author, "It is Time to Consider Revising Your Employee Non-Solicitation Provisions," January 14, 2021
- Co-Author, "Coronavirus Concerns May Implicate Force Majeure Contract Issues," March 9, 2020
- "New Way of Settling Claims for Defendants with Insufficient Assets," ESOP Report, November 2018
- "Consider Binding Arbitration to Resolve Your Next Dispute," Res Gestae, Vol. 40, No. 11, 1997