



## Scott B. Fisher

**Partner**

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Scott B. Fisher is an experienced litigator who practices in state and federal courts at both the trial and appellate levels. He concentrates primarily in the area of general civil litigation, with an emphasis on commercial litigation matters, including complex commercial cases, class action litigation, and appellate work in state and federal courts.

Scott also has experience in intellectual property matters. He handles registration of trademarks and prosecution and cancellation proceedings before the United States Trademark Trial and Appeal Board. He believes that the key to his success has been his creativity, meticulous preparation, and willingness to maintain civility even in adversarial circumstances.

Prior to joining Jaspan Schlesinger LLP as an associate attorney over 20 years ago, Scott was an assistant corporation counsel for the District of Columbia, in both the General Litigation Section of the Civil Division and the Family Services Division. That followed his position as a judicial law clerk for a trial judge in the Superior Court of New Jersey, Monmouth County.

## Education

The American University Washington College of Law  
Brandeis University

## Recent Experience

In a post-judgment enforcement proceeding where the judgment debtor refused to answer questions or produce documents by invoking the privilege against self-incrimination, successfully argued before an appellate court that the judgment debtor was required to produce income tax returns, W-2 wage statements, and 1099 forms under the “required records exception” to the privilege against self-incrimination. The appellate court held that the judgment debtor’s blanket assertion of the privilege against self-incrimination was improper and concluded that in order to invoke the privilege, the judgment debtor was required to make a particularized objection to each discovery request showing that the requested disclosure would subject him to a real and substantial danger of self-incrimination.

Acted as lead counsel in a bench trial in the U.S. District Court for the Eastern District of New York in an action where our client sued his insurance company for the cessation of long-term disability benefits under the Employee Retirement Income Security Act (ERISA). The trial court found that our client was totally disabled during the relevant period and that the insurance company had erred by ceasing payment of long-term disability benefits under the disability policy. The court also held that our client was entitled to prospective long-term disability benefits until either his condition improved to the point that he could perform his past occupation or until the terms of the insurance policy otherwise called for the cessation of benefits and that prospective benefits were to be paid by the insurance company in accordance with the schedule set forth in the insurance policy.

Successfully obtained a defense verdict after a jury trial in the U.S. District Court for the Southern District of New York on behalf of a school district and its Superintendent and Board of Education in an employment discrimination action brought by a former teacher who alleged that she was subject to adverse employment action.

Obtained numerous registrations of trademarks and logos from the U.S. Patent and Trademark Office in the pharmaceutical, cosmetics, food, and nonprofit industries.

Prosecuted and defended a multitude of opposition and cancellation proceedings regarding trademark applications and registrations before the Trademark Trial and Appeal Board.

## Admissions

New York

New Jersey

District of Columbia

Maryland

Virginia

U.S.D.C., Eastern District of New York

U.S.D.C., Southern District of New York

U.S.D.C., New Jersey

U.S.D.C., Maryland

U.S.D.C., District of Columbia

U.S. Court of Appeals, 2d Cir.

U.S. Court of Appeals, 4th Cir.

U.S. Court of Appeals, Fed. Cir.

U.S. Supreme Court

## Affiliations & Appointments

New York State Bar Association, Member

Nassau County Bar Association, Member