



SCOTT MCLAREN

Shareholder

101 East Kennedy Boulevard
Suite 3700
Tampa, Florida 33602
T: 813.227.8418

BOARD CERTIFIED BY THE FLORIDA BAR

Board Certified in Civil Trial and
Business Litigation

PRACTICE FOCUS

Zoning & Land Use Litigation
Litigation

Commercial Landlord/Tenant
Property Tax

Eminent Domain

Class Action & Complex Mass
Tort

COVID-19 Response Team

Real Property Litigation

EDUCATION

University of Texas at Austin,
B.B.A., 1987

Wake Forest University School
of Law, J.D., 1991

- Wake Forest Law Review:
Editor
- Wake Forest Moot Court
Board: Board Member

Scott McLaren has previously served on the firm's Management and Compensation Committees, and is Board Certified by The Florida Bar in both Civil Trial Law and Business Litigation. Scott is licensed in Florida and Georgia, and concentrates his practice on litigation involving business disputes, real estate and land use issues, as well as complex commercial litigation. Scott has extensive experience in prosecuting and defending lawsuits involving zoning and land use issues, claims for fraud, breach of fiduciary duty, deceptive and unfair trade practices, class action claims, breach of contract, condemnation, Section 1983 claims, property tax issues, land title claims, corporate and partnership disputes, commercial leasing disputes, and other business torts and real property issues.

Scott has been involved in litigating several cases with significant impact upon the business and development communities. These cases include significant (seven and eight figure) damages awards to clients, seven and eight figure settlements paid to clients, defense judgments for clients, and multiple court rulings allowing development plans of clients to proceed (condo towers, apartments, cell towers, single family, industrial, retail, office, and mixed use developments). Scott's appellate experience includes primary responsibility for appeals to the U.S. Supreme Court, Florida Supreme Court, Georgia Court of Appeals, and Florida's District Courts of Appeal.

Scott has received numerous professional accolades, and is most proud of his pro bono work. Since 2015, he has chaired the Tampa Federal Bar Association's Pro Bono Committee, and was also presented with the Pro Bono Service and Excellence Award from the

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BAR ADMISSIONS

American Bar Association

The Florida Bar

Hillsborough County Bar
Association

State Bar of Georgia

COURT ADMISSIONS

All Florida State Courts

All Georgia State Courts

Eleventh Circuit Court of
Appeals

U.S. District Court, Northern
District of Georgia

U.S. District Court, Middle
District of Florida

US District Court, Southern
District of Florida

Tampa Bay Chapter of the Federal Bar Association in 2017.

HONORS

- AV Preeminent® Rating, Martindale-Hubbell Peer Review
- BTI Consulting Group: 2020 Client Service All-Star Award
- Fellow, International Society of Barristers
- Florida Super Lawyers
- Florida Trend's Legal Elite
- Leadership Tampa
- Million Dollar Advocates Forum
- Multi-Million Dollar Advocates Forum
- Super Lawyers Business Edition
- Tampa Bay Chapter of the Federal Bar Association: 2017 Pro Bono Service and Excellence Award
- Tampa Bay Magazine's Top Lawyers
- *The Best Lawyers in America*®
- *The Best Lawyers in America*®: 2013 Tampa Litigation - Real Estate Lawyer of the Year

EXPERIENCE

- Lead trial counsel in lawsuit challenging Florida county's denial of client's rezoning application to develop agricultural land into 1,600 single family homes. After 9 months of litigation, county settled lawsuit by agreeing to purchase client's property for \$38,000,000.00.
- Represented regional healthcare system in federal False Claims Act seeking over \$1 Billion in damages. Obtained summary judgment in favor of client/defendant.
- Lead trial counsel for apartment developer against Florida county where, after a three day trial for violation of developer's civil rights, circuit court entered a \$16,428,376.00 judgment in favor of client.
- Lead trial counsel for landowner/developer in eminent domain case brought by Georgia Department of Transportation ("GDOT") condemning 2.16 acres of client's property on Interstate 285 in Atlanta. After initial offer of \$5,200,000.00 from GDOT, case settled for \$13,250,000.00 after five days of testimony.
- Lead trial counsel for manufacturing client in Miami arbitration where contract vendor claimed \$7,924,605.00 for breach of equipment lease. Arbitration panel ruled in favor of client—that no

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breach occurred.

- Lead trial counsel in lawsuit challenging Florida municipality's rezoning denial for 358 unit apartment complex. After initial pleadings filed, municipality settled case allowing development to proceed with 325 units.
- Lead Trial counsel in lawsuit against Florida municipality for denying apartment rezoning. After initial pleadings filed, municipality settled case allowing development with no reduction in density.
- Lead trial counsel for big box retailer in suit brought by developer seeking interpretation of restrictive covenant on 280 acres of property. Developer sought interpretation that would have allowed competition with one of client's core businesses. Obtained summary judgment in favor of client, prohibiting competition with client's business on the entire 280 acres, and recovering client's attorneys' fees.
- Lead trial counsel for owner of 12 acres of waterfront property suitable for apartment development of approximately 400 units in case against railroad concerning access to property over railroad right of way. Railroad refused to permit access for multi-family use. After bringing suit on behalf of our client seeking confirmation of access rights, we obtained summary declaratory judgment allowing access for apartment development.
- Lead trial counsel for real estate investor/developer in title/partnership dispute with former partner over \$21,000,000.00 property in Pasco County, Florida. After three days of trial testimony, trial court struck former partner's pleadings due to discovery violation—awarding the subject property to client.
- Lead trial counsel for developer in six separate lawsuits brought by preservationists in Florida state and federal courts seeking to prevent client's re-development of historic Belleview Biltmore Hotel site. Obtained dismissal of all six cases without any delay to client's development schedule and plan.
- Lead trial counsel for developer in case against City of Tampa for violating City ordinances and Equal Protection Clause in refusing to grant permits for client's high-rise condominium. Obtained court rulings requiring the City to issue the disputed development permits, and resulting in a \$3,750,000.00 monetary payment to client—largest amount ever paid by the City in settlement of a land use case.
- Lead trial counsel for developer in two lawsuits filed in Sarasota County by objectors to client's proposed 533 acre single-family development. Both lawsuits resulted in judgment for client—allowing development to proceed.

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- Lead trial counsel for regional hospital in suit brought by objectors seeking to prevent major Tampa hospital expansion. Court dismissed case, allowing client to proceed with expansion.
- Lead trial counsel for landowner in an eminent domain case against Pasco County, Florida for condemnation of 3.6 acres. After jury trial, client recovered \$2,058,962.12 from County after initial offer of \$676,548.00.
- Lead trial counsel for residential developer in case against Lake County, Florida and concrete plant owner seeking to revoke development permits for plant operating next to client's property. Court rulings resulted in revocation of permits and closing of concrete plant.
- Co-counsel for owner of Tampa Bay Lightning NHL hockey team and hockey/event arena in property tax trial and appeal against Hillsborough County, Florida. County assessed taxable value of arena at \$120,000,000.00, while client argued value was \$25,000,000.00. After trial and appeals, trial court judgment valuing arena at \$25,000,000.00 was affirmed—resulting in over \$10,000,000.00 in tax savings to client.
- Co-counsel for downtown Tampa developer concerning condemnation by the City of Tampa of a rail crossing controlled by an industrial plant. The crossing was necessary for the City to provide access to client's development. After an initial demand by the industrial plant of tens of millions for the crossing alone, client was able to negotiate condemnation of the crossing, plus client acquisition of entire 3+ acre industrial plant for \$13,000,000.00—less than one-third of initial demand.

COMMUNITY & PROFESSIONAL

- Ruth Eckerd Hall
 - Board of Directors
 - Facilities Committee Chair
- Leadership Tampa
- Former Chair, Board of Directors, Academy of the Holy Names of Florida, Inc.
- Former Member, Board of Directors, Special Olympics Florida, Inc.
- Former Member, Board of Directors, Corporation to Develop Communities of Tampa, Inc.
- The Florida Bar: Real Property, Probate and Trust Law Section: Litigation Subcommittee

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- Federal Bar Association, Tampa Bay Chapter:
 - Board of Directors
 - Chairman, Pro Bono Committee
- The Business Counsel

NEWS & INSIGHTS

Seventy Six Hill Ward Henderson Attorneys Cited in The Best Lawyers in America 2022 Publication
Firm News, 8.19.21

58 Hill Ward Henderson Attorneys Recognized in 2021 Florida Super Lawyers Listing
Firm News, 6.23.21

67 Hill Ward Henderson Attorneys Cited in The Best Lawyers in America 2021 Publication
Firm News, 8.20.20

Florida Trend Names Hill Ward Henderson Attorneys to Hall of Fame, Legal Elite, and Up & Comers
Firm News, 6.22.20

Fifty Nine Hill Ward Henderson Attorneys Recognized in 2020 Florida Super Lawyers Listing
Firm News, 6.5.20

Florida Trend Names Hill Ward Henderson Attorneys to Hall of Fame, Legal Elite, and Up & Comers
Firm News, 6.24.19

2019 Best Lawyers Cites 46 Hill Ward Henderson Attorneys & Names Six "Lawyer of the Year"
Firm News, 8.16.18

Florida Trend Names Hill Ward Henderson Attorneys To Hall Of Fame, Legal Elite, And Up & Comers
Firm News, 7.2.18

Hill Ward Henderson Attorneys Named 2018 Florida Super Lawyers
Firm News, 6.25.18

2018 Best Lawyers Cites 44 Hill Ward Henderson Attorneys & Names Five "Lawyer Of The Year"
Firm News, 8.15.17

Florida Trend Names Hill Ward Henderson Attorneys to Hall of Fame,
Legal Elite, And Up & Comers
Firm News, 6.22.17

Hill Ward Henderson Attorneys Named 2017 Florida Super Lawyers
Firm News, 6.8.17

2017 Best Lawyers Cites 44 Hill Ward Henderson Attorneys & Names
Two "Lawyers Of The Year"
Firm News, 8.15.16

Hill Ward Henderson Attorneys Named 2016 Florida Super Lawyers
Firm News, 6.15.16

Hill Ward Henderson Shareholder Elected to Board of Directors
Firm News, 2.17.16

2016 Best Lawyers Cites 40 Hill Ward Henderson Attorneys & Names
Five "Lawyer of the Year"
Firm News, 8.17.15

Hill Ward Henderson Attorneys Named 2015 Florida Super Lawyers
Firm News, 6.11.15

2014 Best Lawyers Cites 42 Hill Ward Henderson Attorneys & Names
Three "Lawyer Of The Year"
Firm News, 8.30.13

Hill Ward Henderson Attorneys Named To The 2013 Best Lawyers
Business Edition
Firm News, 7.15.13

Florida Trend Names Hill Ward Henderson Attorneys to Hall of Fame,
Legal Elite and Up & Comers
Firm News, 7.1.13

Four Hill Ward Henderson Attorneys Named 2013 Tampa Lawyers Of
The Year
Firm News, 12.5.12

Hill Ward Henderson Shareholder Attains Board Certification
Firm News, 9.17.12

Hill Ward Henderson Shareholders Present Highlights Of Recent
Settlement For Citivest
Firm News, 8.28.12

Best Lawyers In America
Firm News, 7.31.12

Florida Trend Names HWH Attorneys To Hall Of Fame, Legal Elite And Up & Comers
Firm News, 7.6.12

ARTICLES & PUBLICATIONS

- "Litigating Local Permit Denials: How the Developer Can Successfully 'Fight City Hall'" Presenter, Hill Ward Henderson Construction & Real Estate Litigation Seminar, Tampa, Florida, September 12, 2012.
- "Local Permit Denials: Preparation and Implementation of Effective Litigation Strategies." Presenter, CLE International's Litigating Land Use Seminar, December 3-4, 2007.
- "Abandonment of Roads and Road Vacation Considerations." Presenter, National Business Institute's Road and Access Law Seminar, August 28, 2007.
- Preparing for War: Defending Class Action Lawsuits Against Managed Care. (February 3, 2000). *BNA Health Law Reporter*, 5, 9.
- "Exactions: How Far Can the Government Go?" Presenter, Institute of Continuing Legal Education Seminar, December, 1999.
- The Telecommunications Act of 1996: Developments in the Ongoing Conflict between Service Providers and Local Home Rule in the Facilities Siting Context. (Summer, 1999). *Real Estate Law Journal*.
- "Land Use Law." Presenter, National Business Institute Seminar, March 9, 1999.
- The Telecommunications Act of 1996: Section 704 of the Act and Protections Afforded the Telecommunications Provider in the Facilities Siting Context. (Winter, 1997). *University of Michigan's Telecommunications and Technology Law Review*.

PUBLISHED DECISIONS

- Shire Development, LLC v. Mylan Pharmaceuticals, Inc. 2017 WL 4771008, United States District Court, M.D. Florida, Tampa Division. June, 14, 2017
- Bingham v. Baycare Health System 2017 WL 1386838, United States District Court, M.D. Florida, Tampa Division. April 18, 2017
- Bingham v. Baycare Health System 2016 WL 8739056, United States District Court, M.D. Florida, Tampa Division. December 16, 2016
- Richman Group of Florida, Inc. v. Pinellas County, FL 2016 WL 8376580, Sixth Judicial Circuit, Pinellas County, Florida. June 29, 2016

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- Acebo v. St. Joseph's Hosp., Inc. 202 So.3d 414, District Court of Appeals of Florida, Second District. October 14, 2016
- Duke Energy Corp. v. GreenPointe Holdings, LLC 2015 WL 997897, United States District Court, M.D. Florida, Tampa Division. March 5, 2015
- Condo Developer, LLC v. Highwoods DLF Eola, LLC Case No. 2008-CA-26723-O, Florida Circuit Court, Ninth Judicial Circuit, Orange County. October 6, 2011
- City Nat. Bank of Florida v. City of Tampa 67 So. 3d 293, 2011 WL 1295874, 2D10-332, District Court of Appeals of Florida, Second District. April 6, 2011
- Dooley Mack Constructions, Inc. v. M & I Marshall & Ilsley Bank 2010 WL 2035139, United States District Court, M.D. Florida, Tampa Division. May, 21 2010
- WSC-L Lakeside Investors V, LLC v. Pulte Homes Corp. 2010 WL 1688008, United States District Court, M.D. Florida, Tampa Division. April 22, 2010
- City of Tampa v. City Nat. Bank of Florida 974 So. 2d 408, 2007 WL 1484488, 2D06-1383, District Court of Appeals, Florida, Second District. May 23, 2007
- Bistricher v. Coastal Real Estate Associates, Inc. 2006 WL 3258226, Florida Circuit Court, Sixth Judicial Circuit. August 30, 2006
- City Nat. Bank of Florida v. City of Tampa 04-6168, 2005 WL 4891056 (Fla. Cir. Ct. 2005)
- Avatar Properties, Inc. v. N.C.J. Inv. Co. 848 So.2d 1259, District Court of Appeals of Florida, Fifth District. July 11, 2003
- BellSouth Mobility Inc. v. Gwinnett County, Ga. 944 F. Supp. 923, United States District Court, N.D. Georgia, Atlanta Division. August 13, 1996
- Flair Fashions, Inc. v. SW CR Eisenhower Drive, Inc. 207 Ga. App. 78, 427 S.E. 2d 56, Court of Appeals of Georgia. January 12, 1993.