



Robert E. Scully, Jr.

Principal

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BIOGRAPHY

Bob Scully is a principal in the [Civil Litigation Practice Group](#). His practice focuses on business tort, corporate governance, trusts and estates, construction and intellectual property litigation. He has 40 years of first chair trial experience in federal and state courts in Virginia, Maryland, and the District of Columbia.

REPRESENTATIVE CASES

Defended the retired chairman of a private forest products company against his youngest daughter's claim that a gift of voting stock to his eldest daughter triggered the companies' option to redeem the stock to prevent a change in control.

Defended the founder and former COO of a transportation logistics and management company against business tort and conspiracy claims the company asserted after he resigned to join a competitor.

Defended the trustee of an irrevocable trust, formed as part of a bankruptcy reorganization to administer the voting preferred stock of a real estate holding company, against arbitration claims of breach of trust, breach of fiduciary duty, conspiracy and conversion asserted by the bankrupt/settlor's youngest daughter after his death.

Defended a corporate group against RICO claims by former President of the parent holding company after he was terminated.

Defended a founding member and the manager of two Virginia limited liability companies in arbitration to remove him as manager and in subsequent civil litigation to dissociate him as a member of the companies. The companies own 279 acres adjacent to the future Dulles Gateway Metro Silver Line Station.

Defended the trustee of a revocable inter vivos trust against claims that settlor/husband's transfer of his stock in a real estate holding company to the trust was void due to lack of capacity and undue influence by the trustee/wife.

Defended a corrections management services provider against third party claims for indemnification and contribution arising out of alleged transmission of HIV infection from mother/inmate to fetus during non-Caesarean Section delivery.

Defended the distributor of the Magic Bullet® blender against patent infringement claims. *Sunbeam Products, Inc. v. Hamilton Beach Brands, Inc.*, 2010 U.S. Dist. LEXIS 74001 (E.D. VA. 2010) (disqualification of

PRACTICE AREAS

Civil Litigation
Land Use and Development
Wills, Trusts, & Estates
Product Liability

BAR ADMISSIONS

District of Columbia
Maryland
Virginia

EDUCATION

Villanova University School of Law, 1979
University of Virginia, 1976

opposing counsel).

Represented the developer of Belmont Bay Town Center in Prince William County, Va. in specific enforcement of special use permit conditions against a public company homebuilder.

Obtained a defense verdict on claims asserted by American Mensa Ltd. that the mark Admensa infringed its mark Mensa®. *Am. Mensa Ltd. v. Inpharmatica, Ltd.*, 2008 U.S. Dist. LEXIS 99394 (D. Md. 2008).

Served as lead counsel to the former Executive Vice President of ULLICO, Inc., in complex corporate governance and ERISA litigation and the Senate Permanent Subcommittee on Investigations investigation of ULLICO. In re ULLICO, Inc., 605 F.Supp.2d 210 (D.D.C. 2009).

Represented the successful limited partnership in *Jennings v. Kay Jennings Family Limited Partnership*, 275 Va. 594 (2008). In a case of first impression, the Virginia Supreme Court identified the relevant factors establishing whether a derivative plaintiff fairly and adequately represents the limited partnership in litigation.

PROFESSIONAL HONORS & ACTIVITIES

- Virginia State Bar - former Chair of the Litigation Section and the Standing Committee on Lawyer Discipline; frequently presents Continuing Legal Education programs and contributes to Virginia State Bar *Litigation News* and other publications.
- Virginia Bar Association - Member of the Board of Governors (2020-23)
- *Martindale-Hubbell*® AV-Preeminent® Peer Review Rated
- *U.S. News - Best Lawyers in America*®, Best-the-Company Litigation; Commercial Litigation; Litigation - Construction; Litigation - Intellectual Property; Litigation - Real Estate; Litigation - Trusts & Estates (2005-2022)
- *U.S. News - Best Lawyers in America*®, Lawyer of the Year - Trust and Estate Litigation (2022)
- *Virginia Super Lawyers*® (2006-19)
- *Washington DC Super Lawyers*® (2014-19)
- *Virginia Business Magazine*, Legal Elite in the category of civil litigation (2008-2009 & 2021)

SELECTED PUBLICATIONS AND LECTURES

- Impeachment with Unadjudicated Perjury: Deadly Weapon or Imaginary Beast? *Litigation News*, published by the Litigation Section of the Virginia State Bar, Vol. XVII, Number IX, December 2016.
- Professionalism Faculty of the Virginia State Bar, Richmond, Va., October 8, 2013.
- Advantages of challenging USPTO decisions in the EDVA *with Marvin Petry Stites & Harbison*, May 6, 2013.
- A Sobering Lesson: "Don't Worry, Be Happy" Not a Formula for Profitability *Stites & Harbison, PLLC, Client Alert*, December 19, 2011.
- Executive Compensation, the Business Judgment Rule, and the Dodd-Frank Act *The Federal Lawyer*, January 2011.