



## SCOTT C. PATON

Partner

spaton@hodgsonruss.com 518.433.2450

Scott focuses his practice on business litigation, appellate practice and complex commercial litigation.

Regarding his business litigation practice, Scott provides services to local, statewide, national and international companies, in the areas of director and officer liability, labor and employment law, restrictive covenants (i.e. non-compete agreements), misappropriation of trade secrets, unfair/fraudulent business practices and shareholder disputes. A significant part of his practice is devoted to providing advice and counsel concerning business strategies designed to avoid litigation, as well as representing clients when litigation becomes necessary.

As part of his appellate practice, Scott has appeared before all appellate divisions of the New York Supreme Court, the New York Court of Appeals and the United States Court of Appeals for the Second Circuit. His appellate practice includes the representation of both appellants and respondents, as well as amici curiae.

Scott also has considerable experience in complex commercial litigation, having represented clients in both federal and state courts, as well as in arbitration proceedings commenced under the Federal Arbitration Act and the Financial Industry Regulatory Authority (FINRA). Such disputes span the areas of construction law, intellectual property litigation, securities litigation and proceedings commenced under Article 78 of New York's Civil Practice Law and Rules. Scott has class-action litigation experience in areas that include allegations of consumer deception, cybersecurity data breaches and unfair business practices.

Scott's litigation practice is not limited to the representation of companies and businesses, but includes the representation of individuals facing restrictive covenants, allegations of unfair competition and business torts, as well as complex civil litigation involving property damage or economic loss.

677 Broadway  
Suite 401  
Albany, NY 12207

### Practices & Industries

Business Litigation  
Class Action Litigation  
Construction  
Cybersecurity & Privacy  
Intellectual Property Litigation  
Non-Compete, Non-Solicit & Trade Secrets  
Product Liability & Complex Tort  
Securities/Directors & Officers Litigation

### Admissions

New York  
Vermont  
U.S. District Court, Northern District of New York  
U.S. District Court, Southern District of New York  
U.S. District Court, Eastern District of New York  
U.S. District Court, Western District of New York  
U.S. Court of Appeals, Second Circuit

SCOTT C. PATON

Prior to joining Hodgson Russ, Scott was a shareholder at the law firm of McNamee Lochner.

## Honors

- Listed, *Best Lawyers in America* (Appellate Practice) 2024
- Listed, *Upstate New York Super Lawyers* (Business Litigation) 2013 - 2023
- Listed, *Top 25 Upstate New York Super Lawyers* (Business Litigation) 2020
- Listed, "Top Attorneys in New York State" by *Hudson Valley Magazine*, September 2018 Edition
- 2008 Recipient, *Business Review's* Forty Under 40
- Martindale Hubbell AV Rating
- Member: Strathmore's *Who's Who*

## Experience

Scott Paton and Glen Doherty represented a dentist who was allegedly in violation of a Restrictive Covenant. The Restrictive Covenant stated for two years following her employment, our client could not work for a competitor with an office located within 15 miles of the defendant's dental practice. Critically, the covenant did not center on whether the employee herself was working within that 15 mile radius, but instead was focused on whether her new employer had an office within the radius.

In order to justify a non-compete clause against a learned professional -such as a dentist- companies typically claim those professionals are "unique." Scott and Glen were able to convince the court this legitimate interest could only be related to where the "unique" person works- and not where her employer may have other offices.

In the end, the court decided the Restrictive Covenant is valid only to the extent that it restricts our client from working at a dental office located within 15 miles of the defendant for the two years following employment.

## In the News

Area law practice helps revitalize buildings and grounds at Yaddo  
*The Saratogian*, October 13, 2020

## Education

Dartmouth College, B.A.

Cornell Law School, J.D.

SCOTT C. PATON

Law firm volunteers to spiff up Yaddo  
*Times-Union*, October 9, 2020

Industry Roundtable: Restrictive Covenants  
*Albany Business Review*, April 17, 2020

## Press Releases

55 Hodgson Russ LLP Attorneys Named to 2023 *Upstate New York Super Lawyers* List  
August 23, 2023

Fifty-Nine Hodgson Russ Attorneys Ranked in 2022 Edition of *Upstate New York Super Lawyers*  
*Hodgson Russ Press Release*, August 23, 2022

Fifty-Four Hodgson Russ Attorneys Ranked in 2021 Edition of *Upstate New York Super Lawyers*  
*Hodgson Russ Press Release*, August 20, 2021

Sixty-Two Hodgson Russ Attorneys Named to 2020 *Upstate New York Super Lawyers*  
*Hodgson Russ Press Release*, September 8, 2020

Hodgson Russ Adds 5 Lawyers in the Capital District  
*Hodgson Russ Press Release*, September 3, 2019

## Publications

FTC Adopts Rule Banning Most Non-Competes and the Legal Slugfest Begins  
*Hodgson Russ Non-Compete, Non-Solicit, and Trade Secrets Alert*, April 24, 2024

The Battle After *Warhol*: Tattoos as Artwork or Infringement?  
*Hodgson Russ Intellectual Property Litigation Alert*, April 24, 2024

AI Lawsuit May Eclipse Claims of Fair Use  
*Hodgson Russ Intellectual Property Litigation Alert*, April 5, 2024

Music Copyrights on a Roll – Read and Listen to Hear the Latest  
*Hodgson Russ Intellectual Property Litigation Alert*, October 6, 2023

Taco Bell Throws Its Hat in the Ring to Free “Taco Tuesday” from Trademark Protection  
*Hodgson Russ Intellectual Property Litigation Alert*, May 30, 2023

Copyright Claims of Cosmetic Company Continue to Trial  
*Hodgson Russ Intellectual Property Litigation Alert*, March 23, 2023

Luxury Fashion Designer Earns Its Stripes In Trademark Victory Against adidas  
*Hodgson Russ Intellectual Property Litigation Alert*, January 27, 2023

SCOTT C. PATON

FTC Takes Direct Aim at Employee Non-Compete Agreements  
*Hodgson Russ Non-Compete, Non-Solicit, and Trade Secrets Alert*, January 6, 2023

Court Ruling Simplifies Service Upon Foreign Trademark Infringers  
*Hodgson Russ Intellectual Property Litigation Alert*, December 20, 2022

Fortnite Crushes Choreographer's Copyright Claims  
*Hodgson Russ Intellectual Property Alert*, November 28, 2022

### **Presentations & Events**

Getting Back on Campus: Preparing Your Institution's Reopening Plan and Limiting Your Exposure to Higher Education  
Class Action Lawsuits  
July 8, 2020

### **Professional Affiliations**

- Albany County Bar Association
- New York State Bar Association
- American Trial Lawyers Association

### **Community & Pro Bono**

Member, Board of Directors: The Colon Club, Inc.