

## SCOTT G. DUNLOP

SENIOR COUNSEL



### AREAS OF PRACTICE

Public Entity & Civil Rights Litigation  
Miscellaneous Professional Liability

### CONTACT INFO

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### ADMISSIONS

Pennsylvania  
1984

U.S. District Court Western District  
of Pennsylvania  
1984

U.S. Supreme Court  
1988

U.S. Court of Appeals 3rd Circuit  
1994

### EDUCATION

University of Pittsburgh School of  
Law (J.D., 1984)

West Virginia University (B.A., cum  
laude, B.S., 1981)

### HONORS & AWARDS

Pennsylvania Super Lawyer  
2005

Who's Who in American Law

### OVERVIEW

Scott devotes his practice to the defense of local governments, their elected and appointed officials and their employees. He represents public entities in cases arising under the federal civil rights statutes and Pennsylvania's Political Subdivision Tort Claims Act, including: zoning and land use regulation disputes, employment discrimination and personnel retaliation claims, law enforcement liability suits, school student discipline and education disputes, and personal injury actions arising out of alleged dangerous conditions of publicly maintained instrumentalities.

Scott has been a defense litigator since 1985, representing public sector defendants and their insurance carriers in hundreds of cases in the state and federal courts of Pennsylvania. He counsels counties, cities, townships, boroughs, municipal authorities, transportation authorities and regionalized police departments throughout western Pennsylvania. Scott provides formal presentations to insurance organizations and public entity associations on topics related to governmental risk management and the effective defense of claims brought against public entities.

In addition to his three decades of litigation experience in western Pennsylvania, Scott provides his clients with a unique focus on managing the legal, political and public relations challenges faced by local governments in defending the liability claims brought against them.

A native of the Pittsburgh area, Scott joined Marshall Dennehey at the inception of its Pittsburgh office in the summer of 1993. He became a shareholder in the firm in 1994 and served as the managing attorney of the Pittsburgh office for nearly 30 years. He served two terms as a member of the firm's Board of Directors beginning in 2004. In 2005, the publishers of *Law & Politics* and *Philadelphia Magazine* identified Scott as a "Pennsylvania Super Lawyer" in the field of civil rights litigation.

After receiving undergraduate degrees in history and business management from West Virginia University in 1981, Scott earned his *juris doctor* from the University of Pittsburgh School of Law in 1984. He served as law clerk to the late Judge John F. Rauhauser, Jr. of the York County, Pennsylvania, Court of Common Pleas. He then returned to Pittsburgh to work as an associate for a general practice firm, where he began his practice in the area of federal civil rights defense in 1985. In 1988, he became associated with another Pittsburgh defense litigation firm where he devoted his practice entirely to defense litigation prior to joining Marshall Dennehey in 1993.

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## ASSOCIATIONS & MEMBERSHIPS

Academy of Trial Lawyers of Allegheny County; member, Diversity Committee

Allegheny County Bar Association; member, Gender Equality Committee

Defense Research Institute

Federal Bar Association

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## YEAR JOINED

1993

## THOUGHT LEADERSHIP

### On the Pulse...Our Pittsburgh, Pennsylvania, Office

#### Pittsburgh

**March 1, 2023**

Having nearly completed 30 years of continuous operation since opening in 1993, our Pittsburgh office has grown and matured to the point of a Defense Digest, Vol.

### Potential Liabilities of Municipal Entities in Response to the COVID-19 Pandemic and Resultant Quarantine Requirements

#### Public Entity & Civil Rights Litigation

**June 1, 2020**

[Click here to see a sa](#)

### Significant Amendments to Pennsylvania's Political Subdivision Tort Claims Act

#### Pittsburgh

#### Public Entity & Civil Rights Litigation

#### School Leaders' Liability

#### Social Services & Human Services Liability

**February 1, 2020**

On November 26, 2019, Governor Tom Wolf signed into law HB 962, an act of the legislature which may have far-reaching impact upon the tort liab

## CLASSES/SEMINARS TAUGHT

*Local Government Immunity in Pennsylvania*, Client Seminar, June 8, 2021

*Hot Topics in 2020 Law Enforcement Liability*, Client Webinar, December 2020

*Local Government Immunity in Pennsylvania*, Client Seminar, October 2018

*Litigation Ramifications of Bullying in School*, School Claims Services LLC, December, 12, 2014

*Employment Claims Under 42 U.S.C. Section 1983*, Pennsylvania Bar Institute's Employment Law Institute West, Pittsburgh, 2006

*Road Risk: Sources of Liability Arising from Highway Design and Maintenance*, Pennsylvania State Association of Township Supervisors, Pittsburgh, Meadville, and Harrisburg, 2004

*Federalization of Land Use*, Pennsylvania Bar Institute, Pittsburgh 2002

*Writing and Revising Student Handbooks and Other Related School Issues in Pennsylvania*, Lorman Education Services, Pittsburgh 2002

## RESULTS

### Defense Verdict Obtained in Highly-Contested Property Rights Case

#### **Public Entity & Civil Rights Litigation**

**November 27, 2023**

We received a complete defense verdict in favor of our client in an equity action involving property rights in the client's public safety building. The plaintiff, a volunteer fire company, moved its operation into a public safety building space constructed for it by the Borough, our client. Instead of accepting a lease that provided it with occupancy for 100 years, the fire company was made a tenant at will. The fire company was a tenant for 10 years, during which it brought a for-profit ambulance service into its space without the Borough's consent.

### Federal claims against borough and its employees dismissed.

#### **Public Entity & Civil Rights Litigation**

**December 2, 2021**

Our attorneys obtained judgment in favor of a local borough and its employees/agents following numerous rounds of motions to dismiss in the Western District. The plaintiff, a construction contractor, brought suit alleging the borough violated its constitutional civil rights by failing to issue it a grading permit in the time it perceived as reasonable. The matter is more generally described as a land use dispute, involving the plaintiff's excessive dumping and destruction of a local sewer line, thus jeopardizing the health and safety of the local residents.

### Township dismissed from case involving First Amendment claim.

#### **Public Entity & Civil Rights Litigation**

**May 7, 2021**

We successfully obtained dismissal, with prejudice, on behalf of a Pennsylvania Township and a township manager via a motion to dismiss plaintiff's amended complaint. The plaintiff raised a single First Amendment count on the basis that the defendants allegedly retaliated against his exercise of his First Amendment right to petition by preemptively refusing to listen to him on the subject of traffic controls.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Obtained dismissal and final judgment in favor of a Township and nine individually named elected/appointed officials, agents and solicitors. Plaintiffs brought twelve separate counts alleging deprivation of various rights under 42 U.S.C. 1983 and municipal liability, along with state law claims of fraudulent misrepresentation, intentional infliction of emotional distress and conspiracy. This long-awaited dismissal came after Plaintiffs filed three amended complaints, and the district court judge held a full preliminary injunction hearing including testimony by eight witnesses.

Represented a local county's children and youth services agency against civil rights claim brought by parents of small children placed in protective custody due to alcoholism and discord in the home. The law suit was dropped voluntarily by plaintiff's counsel while a motion for summary judgment was pending in federal court.

Retired city electrician was electrocuted while performing maintenance work under contract on lights at a city-owned baseball stadium. Estate brought suit under theory that the city failed to make its real property safe by "locking out" the switchgear for the stadium lights while the decedent was performing his work. Following jury trial, a defense verdict was rendered for the city on the basis that the decedent was in control of the work and of the electrical components at the stadium at the time of the accident.

Represented a borough police department besieged by a grand jury investigation, a federal criminal prosecution, and six civil rights law suits filed against its police officers. After obtaining a court order disqualifying the plaintiff's attorney who had initiated most of the litigation, Scott put together a team of outside attorneys to defend the criminal investigation and prosecution, and successfully settled all civil lawsuits for modest amounts. All litigation resolved with no findings of liability or wrongdoing and concluded with improved morale and functioning of the police department.

Automobile passenger was severely injured (and eventually died) when the car in which he was riding was struck upon pulling out from parking lot to make a left turn onto a busy four-lane state highway. The Estate brought suit against the township in which the accident occurred (among other defendants) alleging that the township had the power under state law to erect traffic control devices to reduce the known danger at the location of the accident but had failed to do so. Summary judgment was obtained on behalf of the township.

Obtained summary judgment in federal court on behalf of township police department and its chief alleged to have acted in conspiracy with other police departments to harass and intimidate a local family for political reasons.

Obtained summary judgment on behalf of a state court judge sued in federal court in his capacity as a former county district attorney with regard to the decision to prosecute the plaintiff.

Following jury trial, obtained defense verdict for police officer sued under theory of using excessive force in arresting the plaintiff, who had become drunk and disorderly after winning the state lottery.

## **REPRESENTATIVE CASES**

*Doe v. Plum Borough Sch. Dist.*, 2017 U.S. Dist. LEXIS 139253 (W.D. Pa. 2017)

*Estep v. Mackey*, 2016 U.S. Dist. LEXIS 43821

*Morrow v. Balaski*, 719 F.3d 160 (3d Cir. 2013)

*Phillips v. Northwest Reg'l Communications*, 669 F. Supp. 2d 555 (W.D. Pa. 2009)

*Phillips v. County of Allegheny*, 515 F.3d 224 (3d Cir. 2008)

*Osiris Enters. v. Borough of Whitehall*, 398 F. Supp. 2d 400 (W.D. Pa. 2005)

*Eichenlaub v. Township of Indiana*, 385 F.3d 274 (3d Cir. 2004)

*Berg v. County of Allegheny*, 219 F.3d 261 (3d Cir. 2000)

*Starr v. Veneziano*, 747 A.2d 867 (Pa. 2000)