

PRACTICE AREAS

- Bankruptcy & Financial Restructuring
- Class Actions & Multi-District Litigation
- Construction Litigation
- Financial Services & Insolvency Litigation
- Litigation
- Real Estate Litigation
- Securities & Corporate Litigation
- Unfair Trade & Antitrust Litigation

EDUCATION

- B.A., Hamilton College, 1992, magna cum laude; Phi Beta Kappa
- J.D., Duke University, 1995; Editorial Board, Duke Law Journal

BAR & COURT ADMISSIONS

- North Carolina, 1996
- South Carolina, 1996
- New York, 1997

SCOTT M. TYLER



MEMBER

100 North Tryon Street
Suite 4700
Charlotte, NC 28202-4003

CHARLOTTE

TEL: (704) 331-2463
FAX: (704) 378-1963

scotttyler@mvalaw.com

Scott Tyler strives to give his clients sound, sophisticated and practical advice to help them find the best, most economically rational way to resolve disputes. He provides clients responsive and focused attention and aggressive action when needed.

For example, when a senior bank officer recently faced personal exposure on lender liability claims, Mr. Tyler thoroughly documented the weaknesses of the plaintiffs' claims and moved for summary judgment. As a result, the plaintiffs dismissed the officer from the lawsuit before the motion hearing.

When another client recently sought to enforce its lease to require the landlord to fund a major mechanical systems upgrade, Mr. Tyler guided them through the process. After the landlord improperly denied assistance, Mr. Tyler pursued arbitration and obtained an award that resolved his client's facility problems.

In addition to his extensive litigation and arbitration know-how, he possesses considerable experience in advising clients in negotiating, drafting, and executing construction contracts, as well as handling construction disputes. Further, he frequently provides creditors' rights representation.

His services to clients include:

- Jury and non-jury trials
- Arbitrations, including international proceedings
- Mediations
- Other forms of alternative dispute resolution

CONTINUED

SCOTT M. TYLER

- Commercial disputes
- Construction law
- Business torts
- Creditors' rights representation

Representative Cases:

- *Warner Electric, LLC v Olds Properties Corp.* American Arbitration Association (2006). Obtained significant award for client in commercial lease dispute.
- *Eric Riebling Co. v. Martin Woodworking Machines*, International Court of Arbitration (2004). Limited claimant to just six percent of damages sought in arbitration proceeding regarding agreement for distribution of machinery.
- *Kismet Arrowood, LLC v. Reliance Insurance Company*, N.C. Superior Court (2004). Obtained summary judgment significantly limiting scope of surety's liability on performance bond.
- *Nucor Steel Arkansas v. Belgian Scrap Terminal NV*, American Arbitration Association (2003). Obtained significant award in international arbitration proceeding regarding steel scrap supply contracts.
- *Horack v. Southern Real Estate*, 563 S.E.2d 47 (2002). Obtained directed verdict in fraud, wage & hour act, and unfair trade practices case.
- *Beers Construction Group v. Seneca Park Place*, N.C. Superior Court (2001). Obtained significant judgment and lien foreclosure for general contractor on commercial/residential development project.
- *Bank of America v. Fab-Con Development Corp.*, N.C. Superior Court (2000). Obtained summary judgment for bank against third-party creditor in lease/secured transaction dispute.

OF NOTE

- Author, "Liquidating: Stipulated Damages for Delay in Public Construction Contracts," 44 Duke L.J. 357 (1994)

CONTINUED

SCOTT M. TYLER

- Law Clerk to Honorable Thomas J. McAvoy, United States District Court, Northern District of New York, 1995-1996
- AV peer review rated, Martindale-Hubbell legal directory
- Listed in *North Carolina Business's* "Legal Elite" (construction law) 2004
- Listed in Law & Politics' *North Carolina Super Lawyers* (general litigation) 2006-2008
- Chairman, Town of Matthews Transportation Board, 2003-2004
- Vice President and General Counsel, Charlotte Trolley, Inc., 2004-2008

PROFESSIONAL AFFILIATIONS

- North Carolina Bar Association