



Ashley L. Mcmillian Partner

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Overview

Ashley McMillian has successfully litigated cases in federal and state courts across the country, winning nationally-recognized [multi-million-dollar judgments](#) for clients on the plaintiff's side and [defeating multi-hundred-million-dollar claims](#)* on the defense side. Ashley represents her clients in various types of complex commercial cases including oil and gas contract and regulatory disputes, electricity and power contract disputes, intellectual property disputes, fraud and RICO claims, major personal injury claims, securities fraud claims, business partnership disputes, and many other complex commercial and financial matters.

In 2022, Ashley was named in *Lawdragon's* inaugural list of 500 Leading Litigators in America. She was named one of *Lawdragon's* Leading 500 Plaintiff Financial Lawyers in 2020, 2021 and 2022. In 2019, Ashley was named a Rising Star in Energy Litigation by *Law360*. She has been a Recommended Lawyer by the Legal 500 in Energy: Oil and Gas Litigation (2019, 2020, 2021, 2022) and General Commercial Disputes (2021).

In addition to trying numerous cases to judges, juries, and arbitrators, Ashley has significant *pro bono* experience, including work with nonprofit Kids in Need of Defense (KIND) in the representation of unaccompanied immigrant children at risk of gang violence if deported, and representation of women who are victims of sexual assault. Ashley has also been in charge of all attorney training at Susman Godfrey, has chaired Susman Godfrey's diversity committee, and has served on the firm's employment committee.

Ashley joined Susman Godfrey after clerking for a federal district judge in Austin, Texas. She grew up in Bloomfield Hills, Michigan.

**subscription required*

Education

University of Texas School of Law, J.D., with honors (*Texas Law Review*, Administrative Editor)

Clerkship

Law Clerk to the Honorable Lee Yeakel, United States District Court for the Western District of Texas

Notable Representations

- **Winter Storm Litigation.** Ashley is involved in numerous litigation matters arising out of Winter Storm Uri, including disputes over force majeure, pricing, delivery, and other issues among natural gas traders, midstream companies, pipelines, and power market participants. Several of these cases have been resolved with Ashley's clients receiving all of their damages for claims made against other parties, or paying no consideration for claims made against them by others. Several others remain pending in multiple jurisdictions.
- **Climate Change Litigation.** Ashley currently represents Chevron in multiple lawsuits brought by municipalities seeking to recover damages relating to the effects of climate change.
- **In re WeWork Litigation.** Ashley and a team from Susman Godfrey served as counsel for WeWork founder, Adam Neumann, against SoftBank after SoftBank withdrew its offer to buy up to \$3 billion in WeWork stock from Mr. Neumann and other shareholders. This lawsuit represented one of the largest individual claims to be litigated this century. The litigation was placed on an expedited schedule in the Delaware Chancery Court. A week before trial, the case settled as reported by media outlets throughout the world. The *New York Times*' coverage of the lawsuit can be accessed [here](#) and [here](#).
- **Rebellion Energy v. Liberty Resources.** Ashley represented Liberty Resources in a dispute over a bill in its \$106 million energy deal with Rebellion Energy. Ashley's team secured a significant win and settlement for Liberty after the Texas Court of Appeals for the First District affirmed the trial court's decision that Liberty could not be forced to arbitrate the dispute and Liberty moved for summary judgment. Read [more](#) (subscription required).
- Ashley has tried multiple cases involving disputes over offshore operations to juries in federal court, including for clients Hess Corporation, ENI Petroleum US LLC, and Apache Deepwater LLC. In **Apache Deepwater LLC v. W&T Offshore, Inc.** Ashley and a team from Susman Godfrey won a [\\$43,214,515.83 federal court jury verdict](#) (and [\\$48.5 million final judgment](#) based on the jury's \$43.2 million verdict plus \$2.5 million in attorneys' fees and expenses and \$2.8 million in prejudgment interest) for Apache Deepwater LLC against W&T Offshore based on W&T's failure to pay its 49% share of the costs to plug and abandon three deepwater subsea wells in the Gulf of Mexico. Apache's \$48.5 million judgment was in addition to a \$24.8 million partial payment from W&T to Apache 2½ months after Apache filed the lawsuit.
- **Spring Creek Exploration & Production Company, LLC v. Hess Bakken Investment II, LLC.** Ashley represented Hess Bakken against claims for an alleged breach of an area of mutual interest agreement concerning the Bakken shale play in North Dakota. Her team obtained an early partial summary judgment dismissing the plaintiffs' multi-hundred-million-dollar damage claim. Prior to winning summary judgment, Ashley successfully reduced plaintiffs' damage claims by over \$100 million by arguing and winning three motions to strike plaintiffs' improper expert reports.
- **International Arbitration against PetroChina.** Ashley represented two geologists as claimants in an international arbitration against state-owned oil companies PetroChina and Petronas arising from the non-payment of overriding royalty interests. Shortly after the geologists filed their multi-million-dollar arbitration demand, PetroChina and Petronas paid them the entire amount demanded to the penny.
- **Trans Africa Technical Network (Nigeria), Ltd. v. TGS-NOPEC Geophysical Company, et al.** Ashley represented TGS-NOPEC Geophysical Company and A2D Technologies, Inc. against claims seeking hundreds of thousands of dollars for breach of contract, breach of fiduciary duty, and an action on open account brought by Trans Africa Technical Network Nigeria, Ltd. (Tatnet). After Ashley deposed Tatnet's president and filed a motion for summary judgment, Tatnet agreed to settle the case for only \$10,000.
- **PersonalWeb Technologies, LLC v. Microsoft Corporation.** Ashley represented PersonalWeb Technologies in a patent infringement lawsuit against Microsoft Corporation. After a favorable Markman ruling, Susman Godfrey's team defeated Microsoft's motion to transfer the case from the Eastern District of Texas, and Microsoft filed a petition for a writ of mandamus to the Federal Circuit Court of Appeals again

requesting transfer of the case. Ashley led PersonalWeb's successful opposition to Microsoft's petition, which was denied by the Federal Circuit. The case was settled within two months after the Federal Circuit issued its ruling. The amount of the settlement is confidential.

- ***PersonalWeb Technologies v. Yahoo Inc.*** Ashley represented PersonalWeb Technologies in a patent infringement lawsuit against Yahoo, Inc. After a favorable Markman ruling and completion of discovery (including the Court granting PersonalWeb's motion to compel), Ashley acted as lead counsel for PersonalWeb at mediation resulting in a confidential settlement right before trial.
- ***IQ Holdings, Inc. v. American Commercial Lines, Inc.*** Ashley, along with Susman Godfrey's Mark Wawro, obtained an \$11 million judgment after trial in an appraisal action in Delaware Chancery Court brought on behalf of IQ Holdings, a minority shareholder of American Commercial Lines Inc. (ACLI). ACLI later appealed the decision to the Delaware Supreme Court, where the judgment was affirmed after argument before an en banc Supreme Court.
- ***SM Energy Company, et al. v. Endeavour Operating Corporation.*** Ashley represented Endeavour Operating Corporation against claims for breach of contract asserted by SM Energy Company, Potato Creek LLC, Open Flow Gas Supply Corporation, and SJ Exploration LLC. The case involved the applicability of federal regulations to natural gas pipelines and complex questions of historical Pennsylvania title law. After extensive discovery, in which Ashley argued and won an opposition to plaintiffs' motion to compel, the case settled shortly before trial at a steep discount to the amounts of the claims asserted.
- ***USA v. Kellogg Brown & Root.*** Ashley joined Susman Godfrey's Vineet Bhatia, Shawn Raymond, and Rick Hess in defending Kellogg Brown & Root (KBR) against a \$300 million case brought by the United States. After claiming that KBR had violated the False Claims Act by billing the Army for costs associated with armed private security contractors in Iraq, the United States gave up by filing a voluntary motion to dismiss—with no strings attached. The federal district court ordered the dismissal of all claims against KBR.

Honors and Distinctions

- *Lawdragon* 500 Leading Plaintiff Financial Lawyer ([2020](#), [2021](#), [2022](#))
- *Lawdragon* 500 Leading Litigator ([2022](#))
- Recommended Lawyer in Energy: Oil and Gas Litigation (2019, 2020, 2021, 2022) and General Commercial Disputes ([2021](#)), *The Legal 500* (Legalease Ltd.)
- Name [Rising Star](#) – Energy Litigation by *Law360* in 2019, a recognition given by *Law360* to “attorneys under 40 whose legal accomplishments transcend their age.”
- Named a Texas Rising Star, Super Lawyers from 2015 – 2023, a publication of Thomson Reuters. Rising Stars lists are comprised of the top 2.5% of attorneys in each state annually based on professional achievement and peer recognition.
- Named in the *National Law Journal* for winning one of the Top 100 Verdicts of 2016.

Education

- University of Texas School of Law (J.D., with honors)
 - *Texas Law Review*, Administrative Editor, Volume 87
- SMU (B.B.A., *summa cum laude*, finance; minors in Spanish, Mandarin Chinese, and studio art)
 - President's Scholarship (highest academic merit award given by SMU)

Professional Affiliations

- State Bar of Texas
- Texas Trial Lawyers Association
- American Bar Association (member of Ethics and Professionalism Committee and Intellectual Property Litigation Committee)
- Texas Young Lawyers Association