



Ashley L. McMillian

Partner

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Overview

Ashley McMillian is a leading commercial trial lawyer and accomplished legal strategist who represents her clients (who range from individuals to Fortune 500 companies) in various types of complex commercial cases, including fraud and RICO matters, securities fraud matters, business partnership disputes, contract disputes, intellectual property disputes, and many other financial matters.

Ashley has deep experience litigating cases in the energy sector, including regulatory disputes, oil and gas contract disputes (including onshore and offshore JOAs, producer-gatherer agreements, AMIs, ORRIs, and midstream participation agreements), and electricity and power contract disputes. She has tried multiple cases to federal judges and juries involving offshore operations, won defense judgments against claims for \$100s of millions of dollars in disputes relating to onshore operations, and secured over \$60 million in pretrial settlements for plaintiffs involved in midstream disputes. She's also successfully represented energy clients in several international arbitrations. Ashley has served on the steering committee for the Winter Strom Uri MDL, and represented multiple energy clients in disputes involving ERCOT Ancillary Services, natural gas trading, and power trading.

Ashley has also represented clients in several significant personal injury disputes. Recently, she has served as Defense Liaison Counsel while representing Live Nation in the Astroworld Multidistrict Litigation and has frequently argued on behalf of over 50 defendants.

While the best results for her clients sometimes involve out-of-court resolution or early motion practice to avoid continued litigation, Ashley is passionate about trying cases and has done so across the country before judges, juries, and arbitration panels: from Louisiana federal court to Delaware Chancery Court, and all over Texas.

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.

Notable Representations

Representative Matters

- **Winter Storm Litigation.** Ashley has represented clients (including Macquarie Energy LLC and Texas Petroleum Investment Company) 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.
- **Astroworld MDL.** Ashley represents Live Nation Entertainment, Scoremore Holdings LLC, and affiliated individuals and entities in litigation arising out of the 2021 Astroworld Festival. Ashley serves as a Defense Liaison Counsel in the Astroworld MDL proceeding and collaborates with hundreds of lawyers on various issues.
- **Climate Change Litigation.** Ashley represents Chevron in multiple lawsuits brought by municipalities seeking to recover damages relating to the effects of climate change.
- **Confidential Distribution Company Dispute.** Ashley and a team from Susman Godfrey represented the part-owner of several affiliated food distribution companies in a multi-hundred million dollar arbitration dispute against the co-owner regarding control and operation of the entities. The parties' claims included allegations of self-dealing, fraud, theft, mismanagement, and breaches of contract and fiduciary duty. Ashley's client obtained a favorable settlement shortly before the final hearing.
- **Wise Men RTS Holdings Inc. v. Presidio Investors, LLC.** Ashley represented former owners of an IT consulting company in a dispute claiming fraud and negligent misrepresentation relating to the purchase of the entity. Her clients obtained a favorable settlement shortly after the lawsuit was filed.
- **Sirius Solutions.** Ashley represented financial and operational management consulting company Sirius Solutions in several lawsuits and an arbitration proceeding involving claims of fraud and breaches of

contract and fiduciary duty. After obtaining a favorable arbitration ruling, the remaining matters settled on confidential terms.

- ***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 & Distinctions

- *Lawdragon* 500 Leading Plaintiff Financial Lawyer ([2020](#), [2021](#), [2022](#), [2023](#), [2024](#), [2025](#))
- *Lawdragon* 500 Leading Litigator ([2022](#), [2023](#), [2024](#))
- Recommended Lawyer in Energy: Oil and Gas Litigation (2019, 2020, 2021, 2022, 2023) 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 – 2024, 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.

Clerkships

Honorable Lee Yeakel, United States District Court for the Western District Of Texas

Education

The University of Texas School of Law (J.D., with Honors)

- *Texas Law Review*, Administrative Editor, Volume 87

Southern Methodist University (B.B.A., finance; minors in Spanish, Mandarin Chinese, and studio art, summa cum laude)

- President's Scholarship (highest academic merit award given by SMU)

Admissions

Bar Admissions

- Texas
- Illinois

Leadership & Professional Memberships

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

- Texas Young Lawyers Association