



James T. Southwick

Partner

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Overview

Jim Southwick is a partner in Susman Godfrey's Houston office. Though based in Texas, Southwick represents plaintiffs and defendants in commercial trials throughout the country. His clients include public and private entities from the United States, Canada, Mexico, and South America. He has been a member of the firm's Executive Committee multiple times during his career.

Southwick regularly takes on—and wins against—industry titans such as News Corp., Microsoft, Citigroup, Credit Suisse, and Willis Towers Watson. Over the past three decades, Southwick has secured over one billion dollars for the plaintiff clients he represents and has protected his defendant clients against hundreds of millions of dollars in potential exposure.

PRECEDENT SETTING WINS

Southwick is responsible for some of the country's most significant rulings in the past 20 years.

For example, in *Vitamin C Antitrust Litigation*, Southwick served as co-lead counsel to plaintiffs in the first-ever case where mainland Chinese companies were successfully sued under US antitrust laws. After a jury trial, Southwick secured a landmark verdict in this price-fixing class action brought on behalf of direct purchasers of vitamin C against two Chinese vitamin C manufacturers, Hebei Welcome Pharmaceutical Co. Ltd. and North China Pharmaceutical Group Corp. The jury returned a verdict for Southwick's clients that was tripled, as required under U.S. antitrust law, to \$148 million by Judge Brian Cogan of the Eastern District of New York. The Supreme Court affirmed the decision in 2018. The case is currently on remand from Supreme Court to the Second Circuit thus fees and costs have not been determined.

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"I will tell you that it's now going on eight years that I've been on the bench. This has been the most complex case that I have had. It was actually quite fascinating, some of the issues that were raised here. . .

As to the quality of the plaintiffs' representation, I really can't say enough. I just think the way this case was handled was as good as it gets . . . The representation could not have been any better."

Hon. Brian M. Cogan, Fairness Hearing, *In Re: Vitamin C Antitrust Litigation*

Most recently, in *Brand et al v. Promega*, Southwick, was lead counsel to a small group of minority shareholders. Following a month-long trial on the merits, Southwick secured more than \$300 million for his clients in a shareholder oppression lawsuit against Promega Corporation and its CEO and founder, William Linton—"a dispute that involves elements of money, power and drugs," according to the *Wisconsin State Journal*. The settlement is one of the largest recoveries in a shareholder oppression case in the United States, and the largest such recovery after a trial. *Texas Lawyer* wrote about this win and featured an interview with Southwick in their feature series "[How We Won It](#)" (subscription required).

In *The Dial Corporation et al v. News Corp. et al.*, Southwick took on industry giant, News Corp., when he served as co-lead counsel in this class action alleging federal monopolization claims. A settlement agreement was signed on the first day of trial requiring the defendants to pay \$250 million (\$193.7 million after fees and expenses) to a class of packaged goods manufacturers.

In *Schulein, et al. v. Petroleum Development Corp.*, Southwick served as counsel to plaintiffs in a class action brought in Santa Ana federal court on behalf of more than 7000 limited partners who invested in 12 oil and gas limited partnerships. Plaintiffs alleged the defendants made false and misleading statements and omitted material information regarding the value of the partnerships in proxy statements used to solicit votes in favor of mergers that cashed the plaintiffs out of their investments. After three years of hard-fought litigation, the case was settled on the eve of trial for \$37.5 million, with the class receiving approximately \$24 million.

COMMUNITY INVOLVEMENT AND RECOGNITION

In addition to his active docket, Southwick spends a good amount of time each year litigating matters pro bono. Most recently, for Houston's historic Alley Theater, the oldest professional theatre company in Texas and the third-oldest resident theatre in the country, Southwick represented Alley pro bono in insurance litigation related to Hurricane Harvey-caused business interruption. The suit claimed the theatre was not properly reimbursed by Hanover Insurance Company for claims related to business interruption losses sustained during Hurricane Harvey. Southwick and a team from Susman Godfrey secured a partial summary judgment ruling on behalf of Alley and a

few months later the team again scored a victory for the theater when they settled the final piece of the litigation—terms of this settlement are confidential. Read more about the case in *Houston Chronicle's* coverage.

Southwick is regularly recognized by the legal industry for his winning work. From 2021 he has been recognized by Best Lawyers in America for Commercial Litigation in Texas (Woodward White). *The Legal 500*, in its Tier 1 rankings, has recognized him for work in Antitrust: Civil Litigation/Class Actions (Plaintiff) from 2017 – 2023. In addition the American Antitrust Institute awarded Southwick with the honor for Outstanding Antitrust Litigation Achievement in Private Law Practice in 2018 for his work in *In re Vitamin C Antitrust Litigation* and in 2017 for his work in *Dial Corporation, et al. v. News Corporation, et al.*

Southwick is also a member of the Board of Advisors of the Syracuse University College of Law.

Notable Representations

Representative Matters

ONGOING HIGH STAKES LITIGATION

- ***IQVIA, Inc. v. Veeva Systems***. Represents Veeva Systems, a cloud-based SaaS company in federal court antitrust litigation against healthcare data and information technology provider IQVIA, Inc. The case involves antitrust issues relating to CRM, master data management, and alleged trade secrets.
- ***In re Caustic Soda Antitrust***. Defeated a class certification motion proposed by a group of six plaintiff companies who allege Susman Godfrey client, Westlake Chemical, and other defendant chemical companies colluded to inflate the price of products containing caustic soda.

PAST VICTORIES

- ***Brand v. Promega***. Secured more than \$300 million (net award after fees and expenses not yet determined) for a small group of minority shareholders in a shareholder oppression lawsuit against Promega Corporation and its CEO and founder, William Linton—"a dispute that involves elements of money, power and drugs," according to the Wisconsin State Journal. Promega is a privately held Wisconsin biotechnology company. The settlement is one of the largest recoveries in a shareholder oppression case in the United States, and the largest such recovery after a trial. Read more about the case [here](#) and [Texas Lawyer's](#) coverage [here](#).
- ***City of Houston v. Towers Watson & Co.*** Led Susman Godfrey's representation of the City of Houston in a federal court suit against global

professional services company Willis Towers Watson for negligence and actuarial malpractice. Southwick secured a \$40 million settlement (\$30 million after fees and expenses) for the City concerning Towers' actuarial work on pension benefits for the City's firefighters.

- ***The Dial Corporation et al v. News Corp. et al.*** Served as co-lead counsel in this class action alleging federal monopolization claims in the United States District Court for the Southern District of New York. A settlement agreement was signed on the first day of trial requiring the defendants to pay \$244 million (\$193.7 million after fees and expenses) to a class of packaged goods manufacturers. The class action settlement was approved by the District Court.
- ***Vitamin C Antitrust Litigation.*** Co-lead counsel to a class of plaintiffs in this first-ever case where mainland Chinese companies were successfully sued under the U.S. antitrust laws. Following a full jury trial in federal court, Southwick and his co-counsel secured a \$148 million judgment and more than \$32 million in settlements on behalf of direct purchasers of vitamin C. The U.S. Supreme Court later unanimously reversed the Second Circuit's dismissal of the trial judgment and the case is once again before the Second Circuit. The district judge overseeing the case said he "*can't imagine a more complex action*" and "*as to the quality of the plaintiffs' representation, I really can't say enough. I think this case was handled as good as it gets.*" The case is currently on remand from Supreme Court to the Second Circuit thus fees and costs have not been determined on the judgment amount. The settlement amount after fees and expenses is \$19.4 million.
- ***Schulein, et al. v. Petroleum Development Corp., et al.*** Represented more than 7000 limited partners who invested in the 12 limited partnerships. Plaintiffs alleged the defendants made false and misleading statements and omitted material information regarding the value of the partnerships in its proxy statements used to solicit votes in favor of mergers that cashed them out of their investments. After three years of litigation in federal court in Santa Ana, California, the case settled for \$37.5 million, with the class receiving approximately \$24 million.
- ***Securities America FINRA Arbitration.*** Served as lead lawyer for a group of 80 clients who lost millions of dollars, they had invested in privately placed notes offered by Securities America. Using Securities America's brokers, Medical Capital Holdings created a series of special purpose entities that issued more than \$2 billion of the notes before Medical Capital was revealed as a Ponzi scheme. Southwick's FINRA arbitration against Securities America, with 80 plaintiffs in a single action, was the largest of the scores of arbitrations brought against Securities America in the United States. Working closely with other lawyers who filed arbitrations, Southwick litigated and negotiated a hard-fought nationwide settlement of all the arbitrations and class actions in the country against Securities America relating to the sale of Medical Capital notes.

- ***Milwaukee County v. Mercer Human Resource Consulting.*** Served as lead trial lawyer for Milwaukee County and the Milwaukee County Pension System in a highly publicized actuarial malpractice case against the largest actuarial firm in the country. The case went to trial in federal court in Wisconsin. After several weeks of testimony, the defendant, a division of Marsh McLennan, paid \$45 million in settlement of the case with the pension system receiving \$30 million after fees and expenses — one of the largest actuarial malpractice recoveries on record. Read more about the case [here](#).
- ***State of Mississippi, Jim Hood ex rel. v. Microsoft.*** Represented the Mississippi Attorney General, the Honorable Jim Hood, in a long-running action against Microsoft in Jackson, Mississippi, alleging the software maker violated Mississippi's Consumer Protection Act and Antitrust laws through its actions in the operating systems and office applications markets. Following mediation, the case settled for \$100 million, with \$40 million to the state treasury and \$60 million for Mississippi residents.
- ***Floorgraphics Inc. v. News America Marketing In-store Services.*** Served as lead trial counsel to Floorgraphics, Inc. on claims of unfair competition and computer espionage by a division of Rupert Murdoch's News Corp. The case went to trial before a jury in federal court in New Jersey. Midway through the trial, the case settled favorably for Floorgraphics with a confidential settlement. At the conclusion of the New Jersey trial, the judge remarked on the record: ***"And I think the jurors feel as though, I do, that the lawyers have been extraordinary. Don't you? I see you shaking your heads because the lawyers are clearly, as we would say, the cream of the crop, extraordinarily well prepared, articulate, well spoken, in command of the material. I know I have my law clerks here and I said to them yesterday afternoon, 'Well, these are pros,' referring to the lawyers, and they behaved like pros and . . . I said to my law clerks, this is the way I want to see you in 10, 15 years, whatever, however long it takes. But obviously this case has been presented in a most professional way. And it's a pleasure for the Court to see lawyers conduct themselves the way these lawyers have, and to see how their whole presentation is supported by professionals who are working with them to make sure everything just goes like clockwork. I appreciate it as a judge, and I'm sure you could appreciate it as well."***
- ***Enron Corp. v. Citigroup et al.*** This adversary proceeding on behalf of Enron's bankruptcy estate sought recovery from eleven major investment banks, including Citigroup and Credit Suisse, for aiding and abetting the breaches of fiduciary duty and fraud of Enron's top officers. Southwick was part of a team of Susman Godfrey lawyers prosecuting the estate's claims in the United States Bankruptcy Court in New York City. Susman Godfrey reached settlements which netted the estate's creditors hundreds of millions of dollars.

- ***Allapattah Services et al. v. Exxon.*** Successfully represented a small Florida law firm through a full bench trial in federal court in Miami concerning the rights of multiple law firms to one of the largest-ever awards of attorneys' fees in a class action. Southwick recovered more than \$50 million (net of attorneys' fees) for the three-man law firm that originally filed the case.
- ***In re Vitamins Antitrust Litigation.*** Represented as lead trial lawyer a class of vitamin purchasers asserting claims that the world's largest vitamin manufacturers colluded and fixed the price of bulk vitamins for more than a decade in the 1990s. At trial in Washington D.C. against Mitsui and DuCoba, Inc., Southwick won a jury verdict in favor of the class of \$49.5 million, before trebling under the antitrust laws. Settlements before and after the trial with roughly twenty defendants recovered more than \$400 million for class members, net of fees.
- ***Campbell v. Goodman Enterprises and Amana Corp.*** Served as lead attorney representing a nationally known manufacturer of air conditioners and kitchen appliances against class action claims of age discrimination brought by former employees. Southwick defeated class certification and won summary judgment against all plaintiffs' claims in federal court in Cedar Rapids, Iowa.
- ***American Garment Finishers v. Levi-Strauss.*** Represented AGF in a breach of contract action against Levi's. The case settled for a confidential amount, netting our client a multi-million-dollar sum after two-weeks of trial in federal court in El Paso, Texas.
- ***Caldera Inc. v. Microsoft.*** Sued Microsoft on behalf of Caldera in federal court in Utah for illegally monopolizing the market for personal computer operating systems. The case settled on the eve of trial for a confidential sum. The *Wall Street Journal* reported the settlement was worth \$275 million.
- ***Patir v. MFC International Corporation.*** Served as lead defense trial lawyer representing the owner and seller of oilfield interests in far northern Russia. Plaintiff sued to recover a fee for allegedly brokering the sale of the oilfields to Russian buyers. Southwick defended the owners and sellers at trial in state court in Houston. The Plaintiff recovered nothing at trial. The decision was affirmed on appeal.
- ***Horan v. Ensearch.*** Represented an energy trader suing his former employer for stock options he was owed based on performance criteria. The client recovered a confidential sum following a two-week arbitration in Houston, Texas.

Honors & Distinctions

- Litigation Star, Benchmark Litigation ([2023](#), Eurmoney)
- Best Lawyers in America – Commercial Litigation in Texas ([2021](#), [2022](#), [2023](#), [2024](#), Woodward White)

- Tier 1 Lawyer, The Legal 500 – Antitrust: Civil Litigation/Class Actions (Plaintiff) ([2023](#), [2022](#), [2021](#), [2020](#), [2018](#), [2017](#))
- “Outstanding Antitrust Litigation Achievement in Private Law Practice” American Antitrust Institute for work in *In re Vitamin C Antitrust Litigation* ([2018](#))
- “Outstanding Antitrust Litigation Achievement in Private Law Practice” American Antitrust Institute for work in *Dial Corporation, et al. v. News Corporation, et al.* ([2017](#))
- AV Preeminent Lawyer, Martindale-Hubbell ([2012](#))
- [Board of Advisors](#), Syracuse University
- Editor-in-Chief, Syracuse Journal of International Law, 1988-89
- Order of the Coif
- Andrews Scholar
- Justinian Society
- Wall Street Journal Award
- Houston Bar Foundation Life Fellow
- Texas Bar Foundation Fellow

Education

Syracuse University College of Law (J.D., magna cum laude, 1989)

College of William and Mary (B.A., , 1982)

Admissions

Bar Admissions

- New York
 - Texas
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Court Admissions

- United States Supreme Court
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for Eastern District of Wisconsin

Wins

Susman Godfrey Secures More than \$300 Million for Minority Shareholders in Promega Corporation after Month-Long Bench Trial

Susman Godfrey Wins Partial Summary Judgment for Alley Theatre in Pro Bono Insurance Lawsuit over Coverage of Hurricane Harvey Damage

U.S. Supreme Court Grants Unanimous Decision for Susman Godfrey Client in Vitamin C Price-Fixing Class Action

Susman Godfrey Secures \$244 Million Settlement in Class Action Against News Corp.

Susman Godfrey LLP Wins \$162.3 Million Verdict Against Chinese Manufacturers of Vitamin C

Susman Godfrey Obtains \$37.5 Million for Investors in Oil & Gas in Limited Partnerships

Leadership & Professional Memberships

- Association of the Bar for the City of New York
- American Bar Association (Litigation and Antitrust sections)
- Houston Bar Association (Antitrust Section vice chairman 2008-09; Fee Dispute Committee)
- Houston Trial Lawyers Association