



Stuart V. Kusun Of Counsel

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Overview

Stuart V. Kusun is an AV- rated (Martindale Hubbell's highest rating) lawyer who has litigated complex litigation matters at Susman Godfrey since 1995. Kusun brings to his clients over 20 years of experience during which he has achieved successful results for both plaintiffs and defendants in state and federal courts around the country. Kusun's expertise was recognized when he was named "Top Lawyer in Houston" during the years 2008, 2009, and 2010 by H Texas Magazine.

Education

- University of Texas at Austin (B.A., 1983)
- South Texas College of Law (J.D., 1985)

Honors and Distinctions

- Co-Author: *Monetary Relief for the Franchisee and Franchisor-Franchisee's Recovery of Punitive Damages and Attorney's Fees*, October 1995, for American Bar Association's Forum on Franchising
- Co-Author: *Federal Preemption*, August 1996, 19th Annual Advanced Civil Trial Course for the State Bar of Texas
- Co-Author: *Federal Rules*, November 1996, South Texas College of Law's Second Annual Discovery Practice Conference

Professional Associations and Memberships

- State Bar of Texas (Member, Antitrust and Litigation Sections)
- Houston Bar Association (Member, Litigation Section)
- Admitted to practice before the 5th Circuit Court of Appeals
- Admitted to practice before the 2nd Circuit Court of Appeals

Notable Representation

- In the late 1980's, Kusun was at the forefront of representing plaintiffs in lender liability litigation and helped obtain substantial judgments and settlements for clients. In the early 1990's, Kusun represented defendants in toxic tort litigation, complex bankruptcy adversary proceedings, and numerous complex disputes arising out of real estate and commercial transactions. Since joining SG in 1995, Kusun has continued to use his varied experience to represent both plaintiffs and defendants in complex litigation of all types, including antitrust, contract, securities, product liability and employment disputes.
- As examples, Kusun and partner Ken McNeil recently took over representing a leading Florida law firm bringing claims against a former partner for breach of contract and breach of fiduciary duty involving more than \$100 million in claims against the former partner. In addition, Kusun is heavily involved for the firm in defending a leading energy company from breach of contract and tort claims in several lawsuits related to obligations to supply gas in Western Australia.
- Kusun also spent recent years managing the firm's role as one of the co-leads for the Direct Purchaser Plaintiffs in In Re Aftermarket Filters antitrust litigation proceeding in the Northern District of Illinois.
- In 2008 and 2009, Kusun successfully resolved a dispute between a group of automobile dealers against a major automobile manufacturer and its captive finance company in an Automobile Dealers Day in Court Act and antitrust price discrimination suit in Federal Court in Los Angeles. He also resolved a breach of contract claim in Texas state court he brought on behalf of a former employee option holder against his former employer.
- In 2007, Kusun, along with lead attorney Katherine Treistman and associate Warren Burns, assisted in the negotiation of a confidential settlement between a leading natural gas services company and a gas industry giant. The multi-million dollar Texas arbitration involved competing claims of breach of contract and fraud. Kusun, along with Treistman and Burns, represented the defendant and assisted in engineering a settlement that preserved the parties' existing relationship. The terms of the settlement remain confidential. In 2007, Kusun also worked with Eric Mayer in representing SG client Texas Instruments in a benzene exposure case filed by a former employee. The case was successfully resolved.
- From 2003-2006 Kusun managed over 1000 diet drug cases for individual plaintiffs against Wyeth. In 2005, Kusun, along with Michael Lee, Geoffrey Harrison and Jonathan Ross successfully settled the diet drug claims for the majority of these 1000 plaintiffs. Suits were settled in federal and state courts in Pennsylvania, Connecticut, New Jersey, Texas, Arkansas, Georgia, Kentucky and Idaho. The amount of settlement is confidential. In 2005, Kusun also successfully obtained summary judgment in two separate wrongful termination suits filed against SG client Texas Instruments and successfully defended one of the judgments on appeal before the 5th Judicial District Court of Appeals in Dallas.
- In 2004, Kusun worked with Steve Susman and associate (now partner) Victoria Cook to successfully resolve antitrust claims brought against the Commonwealth of Puerto Rico by several major oil companies disputing the legality of Puerto Rico's statutes governing pricing arrangements between these companies and their dealers.
- From 1995 to 2003, Kusun, with Randy Wilson, represented Georgia Pacific Corporation in claims arising from alleged formaldehyde exposure in courts around the state of Texas. By 2003, all formaldehyde cases pending against Georgia Pacific during that time were successfully resolved by Kusun. Kusun also successfully represented Georgia Pacific in other litigation including claims arising from polyvinyl chloride exposure and alleged business disparagement by a property owner adjacent to a Georgia Pacific facility.
- In 2002, Kusun helped Ken McNeil and Neal Manne bring to trial one of the first cases in the United States between corporate competitors asserting business disparagement/defamation arising from postings on an internet message board.
- In 1999, Kusun worked with Richard Drubel to bring claims on behalf of the Farm Credit Bank of Texas against several securities brokers for violations of the Texas Securities Act. Those proceedings included trial of an arbitration before the American Arbitration Association.
- The above are just a few of the examples of Kusun's varied experience negotiating, mediating and trying cases.

