



Vineet Bhatia Partner

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Overview

Vineet Bhatia is a seasoned, first-chair commercial trial lawyer with nearly 30 years of experience handling a wide variety of complicated, high-stakes disputes for plaintiffs and defendants. He has tried more than 15 cases to verdict or arbitration decision and has led dozens more that have resolved successfully for his clients before trial commenced.

“His ability to absorb information is scary; his ability to weave together information is unbelievable. His ability to digest that stuff is fantastic and he has a keen legal mind. He is a brilliant strategist.”
- As quoted from Chambers 2018 USA Guide – Antitrust: Mainly Plaintiff

Mr. Bhatia’s renowned trial experience in bet-the-company cases has repeatedly led clients to call him to take over cases shortly before trial. In those situations, clients need a lawyer with a proven track record of consistent trial wins to represent them in their high-stakes litigation. A quick learner, Mr. Bhatia is adept at breaking down complex factual and legal disputes succinctly and convincingly to judges and juries. This skill is invaluable when he comes into a case shortly before trial.

“Vineet has a knack for putting together a great story but without sacrificing an in-depth knowledge of the details of a case, no matter how complex it may be.”
- As quoted from Chambers 2016 USA Guide, State Regulatory & Litigation (Oil & Gas)

Mr. Bhatia has been hired to try lawsuits for numerous Fortune 500 companies, including ACE Limited, Genworth Financial, Great Plains Energy, KBR, LyondellBasell, Philip Morris, Walmart, and Westar Energy. He has also been hired by private equity firms and their portfolio companies, including Apollo and its portfolio company, Hexion Specialty Chemicals. Likewise, Bhatia has faced off against industry giants such as Bank of America, Tyco Healthcare Group, Genzyme Corporation, Wells Fargo, and Venezuela national oil company, PDVSA – and won.

In addition to representing corporate clients, Mr. Bhatia often represents individuals either in mass actions or class actions and smaller companies in their disputes with larger corporate defendants.

Mr. Bhatia's practice has spanned the country. He has handled lawsuits or arbitrations in Arkansas, Arizona, California, Colorado, Florida, Kansas, Kentucky, Mississippi, Missouri, New York, New Jersey, Massachusetts, North Carolina, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, and Washington. His cases have involved antitrust, breach of contract, fraud, theft of trade secrets, patent infringement, insurance coverage, environmental contamination, product liability litigation, the federal false claims act, and many other types of cases. Mr. Bhatia has also handled numerous arbitrations arising out of corporate transactions, including disputes related to purchase price adjustments, contingent compensation, and tax sharing agreements. He has also handled arbitrations in London in multiple insurance coverage disputes.

Mr. Bhatia graduated from the Columbia Law School in 1990, where he was a Harlan Fiske Stone Scholar and a Notes and Comments Editor on the *Columbia Law Review*. He started his career at Wachtell Lipton Rosen & Katz in New York City in 1991 and joined Susman Godfrey in 1996. He became a partner at Susman Godfrey a year later in 1997 and has served frequently on the firm's Executive Committee.

Education

- Rice University (B.A. 1987)
- Columbia University School of Law (J.D. 1990)

Clerkship

Law Clerk to The Honorable Jack B. Weinstein, United States District Court for the Eastern District of New York

Notable Plaintiff-Side Victories

Mr. Bhatia has proved repeatedly that he is the lawyer to call when one is looking to secure a significant award from a legal dispute. A few of his high-stakes plaintiff-side litigation victories include:

- Serving as lead counsel to prosecute Peak Web Litigation Trust's \$100+ million claim against Machine Zone for breach of contract, fraud and theft of trade secrets in state court in San Jose, CA. The case was settled in December 2017 shortly before trial for a confidential amount.
- Serving as lead counsel in LyondellBasell's business interruption insurance claim arising out of Hurricane Ike, a matter that was litigated in a confidential arbitration in London. The case settled one day before the arbitration hearing was scheduled to commence. Mr. Bhatia led the settlement negotiations with insurers. The settlement amount is confidential, although LyondellBasell disclosed in SEC filings that it received in excess of \$100 million from its insurers.
- Serving as co-lead counsel in a \$100+ million breach of contract claim brought on behalf of Lyondell-Citgo Refining L.P. against PDVSA, the Venezuela national oil company, for breaching a long-term crude supply contract. The case was filed in the Southern District of New York and arose under New York and Venezuelan law. After defeating PDVSA's motion to dismiss the case under the "act of state" doctrine and completing extensive discovery in the United States and Venezuela, Mr. Bhatia obtained an adverse inference against PDVSA for refusing to produce documents, and, following that discovery sanction, filed a plaintiff-side motion for summary judgment. The case settled on confidential terms while that summary judgment motion was pending.
- Representing the world's largest retailer, Walmart, in its claims against tuna manufacturers for price-fixing in federal court in San Diego. Bhatia was responsible for the day-to-day handling of the case and

led the settlement discussions with defendants. Walmart has now resolved all of its claims against the tuna manufacturers for confidential amounts, although one defendant did publicly disclose that it paid \$20.5 million to settle its role in the case. Read more on this case [here](#).

- Serving as lead counsel to two Kansas utilities involved in disputes over wind energy projects. In one case, he represented KCP&L in an arbitration involving the purchase of wind energy. KCP&L prevailed on all claims in the arbitration. In a second case, he represented a Westar Energy subsidiary, in which his client prevailed on all claims and required the other side to pay attorney fees and costs.
- Being selected by a class of shareholders to serve as lead trial counsel in a securities action against Genzyme Corporation. On the eve of trial, Genzyme agreed to pay \$64 million to the class.
- Making a major contribution to one of 2005's Top Ten Verdicts in the United States, when he and firm founder, Steve Susman, obtained a \$140 million jury verdict (automatically trebled to \$420 million) in an antitrust case against Tyco Healthcare Group. The claims had been brought under the federal antitrust laws based on Tyco's anticompetitive practices that prevented Masimo from selling its competing pulse oximetry products to hospitals located in the United States. In 2006, the Court upheld the jury's findings of antitrust liability but ordered a new trial on damages. The Ninth Circuit Court of Appeals affirmed the liability verdict and the new damage award. Bhatia selected the jury and presented and cross-examined most of the witnesses at trial.
- Serving as co-lead counsel with the head of the firm's Los Angeles office, Marc Seltzer, representing a class of injured people whose reserves for future medical care and living expenses had been looted from trust funds. The suit was filed after the trustee stopped paying disbursements of settlement proceeds to over 250 seriously injured people and wrongful death claimants. In large part due to Mr. Bhatia's efforts, several large financial institutions paid more than \$100 million to settle consolidated class actions enabling plaintiffs to recover 100% of their losses.
- Winning an arbitration on behalf of Lyondell Chemical Company against Atlantic Richfield Company. The arbitration involved the breach of a long-term agreement to supply MTBE. After the arbitration decision, the parties agreed that ARCO should pay Lyondell \$21.5 million. Mr. Bhatia served as lead counsel in this case, and the result was featured in an article in the *National Law Journal* on the top plaintiff firms in the United States.
- Serving as lead counsel for Western Resources in a purchase price adjustment arbitration and related litigation against Westinghouse Electric Corporation. The arbitration and related case involved Western Resources's purchase of Westinghouse's home-monitored security business in December 1996. The terms of the settlement were confidential, although Western Resources disclosed, as required by the SEC, that it received \$37.5 million to resolve all the claims.

Notable Defense-Side Wins

In addition to winning money for plaintiffs, Mr. Bhatia successfully has defended clients facing multi-million and multi-billion dollar claims. Here are a few examples:

- Most recently, in 2018, two months before trial, American engineering, procurement, and construction company, KBR, asked Mr. Bhatia to serve as lead counsel in a lawsuit in California state court filed against KBR's subsidiary, Wyle Laboratories. The lawsuit had been pending for three years, and the main claim against Wyle Labs was for theft of trade secrets. The plaintiff was seeking tens of millions in damages. Bhatia and his team mastered the complex facts of the case and developed legal defenses that had not been previously asserted by prior counsel. The case was then tried to a jury verdict, with the jury rejecting the trade secret claim and the Court striking nearly all of plaintiff's damages. The plaintiff was awarded less than \$250,000 by the jury (a tiny fraction of what they were seeking) and that amount is now being challenged in post-trial motions.
- Bhatia was part of a team selected to represent Walmart two months before trial, in a theft of trade

secret case pending in Arkansas federal court. Mr. Bhatia put on several witness at trial and cross-examined the CEO of the plaintiff and plaintiff's damage expert. While the jury awarded damages to the plaintiff, over 95% of those damages were struck by the Court on post-trial motions. The record that Mr. Bhatia developed during cross-examination was cited extensively in the Court's ruling. The case is currently on appeal.

- During the financial crisis, Mr. Bhatia was hired by longtime client, Genworth Financial, to serve as lead counsel in a series of arbitrations involving mortgage fraud and negligent underwriting arising out of the housing downturn. In one of the cases, two weeks before arbitration proceedings were to begin, Mr. Bhatia's client resolved a dispute with a mortgage originator over \$500-plus million in bulk mortgage insurance. In addition to defending Genworth in such cases, he provided strategic advice to guide them through a multi-year litigation effort.
- Bhatia was serving as co-lead counsel to ConocoPhillips when a federal district court in San Antonio dismissed all claims by 53 plaintiffs suing the company as well as Rio Grande Resources, alleging that defendants' uranium mining and milling operations caused cancer and other medical ailments. Plaintiffs sought damages in excess of \$50 million plus punitive damages; they recovered nothing.
- Mr. Bhatia was selected by Philip Morris to be on a National Steering Committee to organize the defense of tobacco litigation brought by dozens of foreign countries. In that role, he also was charged with leading the defense of the cases brought in Texas. The cases in Texas and throughout the country were dismissed, and those dismissals were upheld on appeal. Philip Morris ended up paying nothing.

Honors and Distinctions

- Recommended Lawyer, Civil Litigation/Class Actions: Plaintiff and Dispute Resolution: General Commercial Disputes by The Legal 500 (2020)
- Recognized on Lawdragon 500's 2019 list of the country's [Leading Plaintiff Financial Lawyers](#) (2019)
- Recommended Lawyer, Antitrust:Civil Litigation and Class Actions, The Legal 500, (Legal 500), [2019](#)
- Recognized by The Best Lawyers in America for [Excellence in Commercial Litigation](#) (Woodward White Inc., 2018 - 2020)
- Featured in Lawdragon's 2018 cover story, "[Don't Mess With Texas - How Susman Godfrey Became America's Leading Trial Firm](#)"
- Named one of the "[500 Leading Lawyers in America](#)" by Lawdragon six years in a row ([2014](#), [2015](#), [2016](#), [2017](#), [2018](#), [2019](#))
- Ranked by Martindale-Hubble as an AV Preeminent Lawyer (2018 - 2019)
- Chambers USA Guide to America's Leading Lawyers - General Commercial Litigation (2009)
- Recognized as a Super Lawyer in 2006 by Texas Super Lawyers (Thomson Reuters) - an honor awarded to the top 5% of lawyers in Texas.
- Recognized as a Rising Star in 2004 and 2005 Texas Super Lawyers (Thomson Reuters) - an honor awarded to the top 2.5% of lawyers in the Texas.

Professional Associations and Memberships

- Admitted to bar in 1991 (New York) and 1996 (Texas)
- State Bar of Texas
- American Bar Association; Litigation Section, Antitrust Section
- New York State Bar Association

- New York City Bar Association
- Texas Bar Association
- Houston Bar Association

References

Checking references before you hire someone always makes sense. Mr. Bhatia invites you to ask clients, co-counsel and opposing counsel about his skills as a trial lawyer. If you need phone numbers for any of these individuals, they will be provided upon request.

Clients:

- Mark Calvert - Cascade Capital (Peak Web Litigation Trust matter)
- Celia Bali — KBR, Inc.
- Diana Luo — Walmart Inc.
- Joseph Speelman — LyondellBasell
- Matt Cooper — Capital One (Genworth Financial matters).

Co-Counsel:

- Michael Ioannou — Ropers Majeski
- Jess Askew — Kutak Rock
- Marc Wolinsky — Wachtell Lipton.

Opposing Counsel:

- Orin Snyder — Gibson Dunn & Crutcher
- Robyn Crowther — Steptoe & Johnson

Video

Mr. Bhatia cross-examining two key Huntsman witnesses, in connection with Apollo and Hexion's multi-billion dispute with Huntsman.