



Consumer & Retail Products

Our team has a deep understanding of the issues that affect businesses and individuals in the consumer and retail space. Whether it's an antitrust price-fixing suit or a product-related consumer class action, we have extensive experience representing both sides of the docket so we can anticipate our opposition's every move. We partner with our clients to provide sophisticated counseling that gets to the heart of their objectives—whether it's protecting their business, finances, or safety—and we're prepared to take that fight to the courtroom when necessary.

- ***In re General Motors Ignition Switch Litigation.*** Serving on the Court-appointed Executive Committee for plaintiffs in an MDL proceeding which consolidated hundreds of lawsuits in the Southern District of New York, all of which allege that GM's faulty ignition switches made vehicles with those switches unsafe. The class actions were recently settled, subject to final approval of the Court.
- ***Ortega v. Chevron.*** Secured a highly favorable, nationwide settlement for gasoline retailer, Chevron, in a consumer class action regarding the sale of allegedly tainted gasoline.
- ***Walmart v. Texas Alcoholic Beverage Commission.*** Tried and won a bench trial on behalf of Walmart in a federal lawsuit challenging the constitutionality of Texas laws that prohibit publicly traded companies from selling liquor in Texas. The District Court ruled in Walmart's favor by striking down provisions of the Texas Alcoholic Beverage Code under the Dormant Commerce Clause and the Equal Protection Clause. The 5th Circuit reversed the judgment, and the matter remains on appeal.
- ***Dial Corporation v. News Corporation.*** Secured a \$280 million settlement on behalf of a class of retailers who accused News America of monopolizing the market for in-store promotions at retail stores across the United States. The settlement with Rupert Murdoch's company abruptly ended a trial that had begun earlier in the day, when jurors in federal court heard opening arguments.
- ***In re Toyota Unintended Acceleration Litigation.*** Secured benefits worth up to \$1.6 billion (\$1.4 billion after fees and expenses) against Toyota Motor Corporation to settle a sprawling multi-district consumer class action litigation concerning severe safety problems with "unintended acceleration." As co-lead counsel, Susman Godfrey secured the settlement on behalf of consumers who asserted economic loss claims for

the decline in value of their vehicles following recalls for “unintended acceleration” in Toyota, Lexus, and Scion vehicles.

- ***In re Speed Control Deactivation Switch Litigation.*** Managed, litigated, and obtained dismissals of over 60 products liability cases in defense of Texas Instruments (TI). These 60+ cases were spread out over 15 states and involved 7 wrongful death and survivor claims. Susman Godfrey acted as national counsel and managed the strategy and defense of all cases. Susman Godfrey also hired and managed local counsel, coordinated all discovery, conducted all depositions, worked with leading fire cause and origin experts, and obtained settlements that assessed zero liability, zero damages, and zero settlement payments. In connection with this representation, the firm also successfully defended TI in two MDLs filed by plaintiffs against TI, Ford and Dupont—one federal MDL located in Detroit and a Texas State MDL located in Austin. In both, Susman Godfrey successfully defended TI obtaining multiple dismissals and eliminating the docket without liability.
- ***Oasis Travel Center v. Buc-ee’s Alabama.*** Represented Buc-ee’s Alabama in the defense of an antitrust lawsuit and TRO brought under the Alabama Motor Fuel Marketing Act’s predatory pricing provisions. A local gas station alleged that Buc-ee’s sold gasoline at an unfairly cheap rate that is anti-competitive and harmful to other gas stations in the region. Susman Godfrey secured a dismissal of the action with zero liability, zero damages, and zero settlement payments.
- ***Cuellar v. Pelonis Appliances and Texas Instruments.*** Represented component part manufacturer Texas Instruments and obtained a voluntary dismissal against plaintiffs and cross-claim defendants in a products liability, wrongful death, and statutory indemnity action involving a fire allegedly caused by a fan heater manufactured by Pelonis. Susman Godfrey met with engineers in Amsterdam, conducted site inspections in Indiana, and uncovered key documents in Nebraska that ultimately led to dismissal of all plaintiffs’ claims.