



Representative Experience

Transportation

Susman Godfrey represents clients across the United States in litigation involving virtually every sector of the transportation industry, including automotive, trucking, aviation and railway. Our history spans an equally broad of practice areas, including antitrust, consumer protection, breach of contract, personal injury, business disruption, securities, and employment matters.

Automotive and Trucking

- ***In re Automotive Parts Antitrust Litigation.*** Secured, to date, over \$1.2 billion in settlements to date as co-lead counsel for a class of end payor plaintiffs in this complex series of antitrust cases brought against dozens of automobile suppliers who engaged in price-fixing and bid-rigging in the multi-billion-dollar automotive parts industry. This massive multi-district litigation is related to a criminal investigation which the US Department of Justice described as the largest price-fixing investigation in history. The litigation continues against the non-settling defendants. [Read more.](#)
- ***Google Waymo v. Uber.*** Represented Uber Technologies in the trade secrets “tech trial of the century” against Google’s self-driving car affiliate, Waymo, which sought almost \$2 billion in damages. After being retained just months before trial, the Court granted our motion to strike all of Waymo’s experts’ damages opinions, leaving Waymo with no damages expert for trial. After Susman Godfrey’s public and confidential opening statements, and the presentation of four days of evidence, the case settled favorably. [Read more.](#)
- ***In re Toyota Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation.*** Secured a \$1.6 billion settlement (net award \$1.4 billion) as co-lead counsel to the plaintiff class who asserted claims for economic losses associated with unintended acceleration problems reported in certain Toyota, Lexus and Scion vehicles. [Read more.](#)
- ***In re NYC Bus Tour Antitrust Litigation.*** Secured a landmark settlement of \$19 million for plaintiffs in (approximately \$12 million after fees and expenses), an antitrust suit against Coach USA and City Sights, competitors in New York City that formed a joint venture accounting for 99% of New York City’s hop-on, hop-off sightseeing bus tours in. Once the firm was appointed lead counsel in the consumer actions (following a Department of Justice claim), the settlement was quickly reached.

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- ***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.
- ***Markson vs. CRST International.*** Serving as co-lead counsel to plaintiffs in this class action against several trucking companies for an alleged anticompetitive agreement among them not to poach each other's "under contract" drivers. The putative class consists of several thousand truck drivers who have worked for the companies over the last several years.
- ***Z-Seven Fund v. Motorcar Parts & Accessories.*** Appointed by the Court to represent plaintiffs in fourteen consolidated securities fraud class actions. The case was settled for \$7.5 million (\$5.25 million net of fees and expenses).
- ***Group 1 Automotive v. DaimlerChrysler Motors.*** 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 Los Angeles federal court.
- ***In re Sensata Technologies.*** Won summary judgment for auto parts manufacturer, Sensata Technologies in a product liability case before the Nassau County branch of the New York Supreme Court.
- ***Baks v. Moroun.*** Represented Victoria Baks and Florence McBrien in a high-profile dispute against their brother involving the family's trucking empire, Centra Inc.—one of America's largest privately owned trucking companies. The sisters claimed shareholder oppression and breach of fiduciary duty related to alleged use of complex corporate transactions to dilute their interest in Centra. After eleven weeks of trial in Oakland County, Michigan, Centra agreed to pay the sisters a huge confidential settlement that was many times greater than what had been offered before trial.
- ***Multi-million Private Transportation Matter.*** Represented a private transportation company against its insurer for bad-faith failure to settle. The firm was engaged after a South Texas jury returned a \$25+ million verdict on personal injury claims against the client, far in excess of the insurance policy limits. The matter was resolved without the need to file a lawsuit, and without the client paying anything out of pocket on the verdict.
- ***City of Houston v. Hertz Corporation.*** Won a no liability verdict for the Hertz Corporation in a high-profile jury trial in which the plaintiff alleged violations of state insurance licensing laws and unfair and deceptive practices. IN less than an hour of deliberations, the jury found for Hertz on all issues and rejected Plaintiffs' claims for attorneys' fees.

Aviation

- ***In re Korean Air Lines Antitrust Litigation.*** Appointed by the Federal Court to serve as co-lead counsel to plaintiffs in an MDL consisting of more than eighty consolidated antitrust class action cases pending in the Los Angeles federal court. Plaintiffs alleged that the two airline company defendants conspired to fix the prices of tickets for travel between the United States and Korea. The case was settled for \$86 million in cash and travel vouchers, with the class receiving approximately \$60 million.
- ***American Airlines v. Northwest Airlines.*** Represented Northwest in a landmark antitrust case against American for predatory pricing, which was tried to a successful defense verdict after a month-long trial in Galveston, Texas.
- **Alaska Airlines Litigation**
 - ***City of Dallas v. Delta Air Lines, et al.*** Defending Alaska Airlines (formerly Virgin America) in a suit brought by the City of Dallas as owner of Dallas Love Field airport, to force gate lessors, Southwest Airlines and Alaska Airlines, to accommodate insurgent Delta Air Lines flights at Southwest's and Alaska's gates. Defeated efforts during 5 years of litigation to require accommodation by Alaska. The case remains pending.
 - ***Tauber v. Alaska Airlines, et al.*** Defended Alaska Airlines in a class action suit alleging violation of state labor law in connection with pilot applications for employment. The case settled for a nominal sum.
 - ***Strotek v. Air Transport Association.*** Obtained summary judgment dismissing antitrust and state-law claims brought against Alaska Airlines by Strotek Corp, a provider of strobe-light testing services. The decision was affirmed on appeal.
 - ***Howell v. Alaska Airlines.*** Defended Alaska Airlines in a consumer class action challenging the airline's ticket refund policies. The suit was dismissed and affirmed on appeal.
 - ***Brennan v. Alaska Airlines.*** Defended Alaska Airlines in a consumer class action seeking refund of transportation excise taxes. The suit was dismissed and affirmed on appeal.
- **Northwest Airlines Litigation**
 - ***Northwest Airlines v. Sabre* and *Sabre v. Northwest Airlines.*** Represented Northwest in prosecuting antitrust claims against a provider of computerized reservation services to travel agents, and in defending against Sabre's breach of contract claims against Northwest. The cases were settled as part of a renegotiation of the companies' commercial relationships.
 - ***Midwestern Machinery v. Northwest Airlines.*** Defended Northwest Airlines in a class action suit challenging the merger of Northwest and Republic Airlines on antitrust grounds. The court granted summary

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judgment in favor of Northwest, which was later affirmed by the Eighth Circuit on appeal.

- ***Reno Air v. Northwest Airlines.*** Defended claims against Northwest for attempted monopolization. The suit was voluntarily dismissed by the plaintiff after the completion of discovery.
- ***In re Airline Ticket Commission Litigation.*** Defended Northwest in a consumer class action alleging a conspiracy among airlines to reduce commissions payable to travel agents. We obtained a favorable settlement shortly before trial.
- ***Continental Airlines v. Fort Worth International Airport Board.*** Represented Continental Airlines when they were enjoined from flying certain routes out of Dallas Love Field airport. Susman Godfrey defeated the injunction and handled parallel appeals to both the Texas Supreme Court and the Fifth Circuit.
- ***In re Bristow Group Inc. Securities Litigation.*** Secured a \$6.25 million settlement (\$4.1 million net of fees and expenses) on behalf of a proposed class of Bristow Group Inc. shareholders, after defeating a Rule 12(b)(6) motion to dismiss under the Private Securities Litigation Reform Act. The plaintiffs alleged Bristow, an aviation services provider focused on the oil and gas sector, made materially false and misleading statements to its investors about its internal controls related to compliance with important covenants in the company's secured financing agreements.
- ***Godfrey et al. v. Precision Airmotive.*** Hired just before trial to defend the manufacturer of a component part of an airplane engine against claims alleging the component was defective and had caused the crash of a light aircraft. Our team tried the case to verdict.
- ***Torrington v. Stutzman.*** Hired to take over representation of Torrington Company when a jury in Beaumont, Texas found for the families of two Marines who died when a Navy helicopter crashed and awarded approximately \$85 million against the Torrington Company for allegedly manufacturing defective bearings. After the Texas Supreme Court remanded the case for a new trial, we were hired to retry the case. We developed a new strategy, hired new experts, and settled the case during jury selection for a fraction of the prior verdict.

Railway

- ***B. Hunt Transport v. BNSF Railway.*** Representing one of the nation's leading transportation companies, J.B. Hunt Transport Inc., in a dispute with BNSF Railway Co. over the parties' contract that governs how they jointly provided intermodal transportation service across the United States.
- ***In re Rail Freight Fuel Surcharge Antitrust Litigation.*** Representing over 20 companies in their allegations that the four largest US railroad companies (BNSF, CSX, Norfolk Southern, and Union Pacific) violated US antitrust laws, conspired to fix the price of rail freight services through coordinated fuel surcharges, and caused the companies to pay billions of

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dollars more for rail shipments than they would have paid in a competitive market.

- **Scarborough v. METRO.** Represented the Metropolitan Transit Authority of Harris County (METRO) in a lawsuit arising from METRO's plan to build a light rail line in Southwest Houston. The plaintiff claimed that the route violated a voter referendum that authorized METRO to expand its light rail system. We obtained a dismissal of all of the plaintiff's claims which was later affirmed on appeal.
- **Metroplexcore v. Parsons Transportation and METRO.** Won a federal trial court dismissal of Metroplexcore's claims against Houston's Metropolitan Transit Authority ("METRO").
- **Railway-related Derivative Suit.** Represented a shareholder in a derivative suit against Santa Fe Railroad Co. (SFRR). SFRR was one of the many railroads engaged in a systematic effort to stop a coal slurry pipeline being built between the northwest to Texas. The case settled favorably for our client.