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Houston Litigator Turns Last-Minute Click-Fraud Case Into \$2.3 Million Verdict

BY JOHN COUNCIL

TWO MONTHS AGO, HOUSTON lawyer Lexie White was handed the file for a complicated internet click-fraud dispute with two years of litigation history and was told to try it.

And White, a partner in Susman Godfrey, took a trial-worthy case at the last minute and turned it into a win, this time a \$2.3 million verdict from an Austin federal jury.

Her client, the Austin-based internet marketing company Wickfire sued Dallas-based TriMax Media in 2014 alleging its competitor violated the Lanham Act by creating phony Wickfire ads, misdirecting web traffic, driving up the costs of Google AdWords marketing campaigns, and damaging its relationships with clients.

TriMax responded with a counterclaim alleging Wickfire had interfered with its business contracts among other things.

"It was for Wickfire a bet-the-company case. The other side was seeking \$22 million in compensatory damages, plus punitive damages and a permanent injunction. We came in at the eleventh hour to take over and try this case," said White, who normally handles patent infringement cases.

"And that is not an unusual situation at Susman Godfrey," she said. "We are often hired to take over cases like this one that have a long procedural history and need to be tried to a jury. I always relish the opportunity."

In the eight hours she had to make her case to the jury, White said she boiled down technical jargon into themes and used repetitive language to make her points clear to both the judge and jury.

"We used themes, and explained them with the experts and used the same words over and over," White said. "We asked the witnesses the same question over and over so the theme was reinforced throughout the litigation."

And on Jan. 2, the jury found that TriMax had both misrepresented Wickfire through the phony ads and had intentionally interfered with its contracts, awarding Wickfire \$2.3 million in compensatory damages.

Barry Golden, a partner in Dallas' Miller, Egan, Molter & Nelson who represents TriMax, declined to comment about the case.

While White's trial team included seasoned litigators, she also included Alejandra Salinas, a Susman Godfrey



Courtesy photo

Lexie White

associate who just joined the firm two months ago after clerking for Sidney Thomas, chief judge of the U.S. Court of Appeals for the Ninth Circuit. Salinas handled the direct examination of Wickfire's damages expert.

"It was her first court appearance ever and she knocked it out of the park," White said of Salinas. "They gave us every penny we asked for on our compensatory damages claim."

White said other Susman partners allowed her to handle jury arguments early in her legal career and it was time to pass that favor on to Salinas.

"It's part of the culture here," White said. "And it's why we have such a deep bench of fabulous trial lawyers."

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