



## Johnny W. Carter

Partner

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### Overview

I fight for the success of my clients in trials and arbitrations; in all sorts of cases; in Texas, Louisiana, and elsewhere around the country.

Victor Ma hired me in August 2018, after the close of discovery, to try his company's breach-of-contract case against a customer which claimed that it was not obligated to pay for product. A few months, after a verdict awarding the full amount sought by Mr. Ma's company, he wrote a letter describing my work to bring the case to a successful verdict. Click [here](#) to view the letter.

Shelby Longoria hired me to represent him in a long-running family dispute in probate court relating to the estates of his mother and father. At the successful conclusion of that dispute, Mr. Longoria wrote me a letter expressing his appreciation for my "level of professionalism, legal expertise, and attention to detail". Click [here](#) to view the letter.

After my representation of Chemjet, Inc. in a commercial dispute, Chemjet's general counsel wrote me a letter expressing his appreciation of our team's strategic decisions and superior briefing. Click [here](#) to view the letter.

After I successfully defended Houston MediaSource, a small media company, in a trial alleging First Amendment violations, I received an award recognizing Susman Godfrey's contributions to the client's mission.

In a case called *Winthrop v. Seitel*, I represented a leasing company that had been hit with an ex parte temporary restraining order, so that it could not repossess millions of dollars of equipment that the lessee was paying for. After expedited discovery and a bench trial, I persuaded a Texas court to deny the lessee's request for an injunction and to dismiss the lessee's entire lawsuit. The case settled a few months later, with the lessee agreeing to pay over \$7.8 million plus attorney's fees.

I represented AmerisourceBergen Drug Corporation in a two-week arbitration in which the opposing party sought over \$30 million in damages. I handled damages issues in the case, and the arbitration panel awarded no damages to the opposing party.

While I love to try cases, sometimes the best outcome for a client is to succeed without having to go to trial. That is what happened for my client, PEG Bandwidth TX, LLC, which received summary judgment on liability on its breach of contract claim. The case settled shortly thereafter. You can read the court's opinion [here](#).

I represented Houston's Metropolitan Transportation Authority in a suit filed by a resident who sought to prevent METRO from building a light-rail line. The trial court dismissed the plaintiff's claims in their entirety. You can read [here](#) the court of appeals' opinion affirming the dismissal.

I represented ACE Limited in a derivative case brought by shareholders of AIG in Delaware Chancery Court. The trial court dismissed the plaintiffs' claims, and the Delaware Supreme Court affirmed the dismissal.

I represented London market insurance companies in an insurance coverage case filed by Hercules, Inc. in state court in Delaware. I obtained a ruling on deductible issues which saved the clients millions of dollars. The case subsequently settled. You can read the court's ruling [here](#).

I represented ABB Lummus Global Inc. in a construction breach-of-contract case. I obtained dismissal of a tort cause of action on which the opposing party had based a \$90 million damages claim. The case subsequently settled. You can read the court's ruling [here](#).

I have represented plaintiffs seeking damages in a wide variety of contexts.

I represented the Liquidating Trustee of the Circuit City Estate in its opt-out antitrust actions against defendants who conspired to fix the price of liquid crystal display (LCD) panels. The client achieved hundreds of millions of dollars of settlements.

I represented a class of former shareholders of Fleming Companies in a securities class action. The clients obtained settlements totaling \$94 million (\$73 million net of attorneys' fees).

I represented a class of shareholders of Alcatel in a securities class action. The clients obtained settlements totaling \$75 million (\$61 million net of attorneys' fees).

I represented plaintiff Duramed Pharmaceuticals, Inc. in a lawsuit alleging that the defendant monopolized the market for estrogen replacement and hormone

replacement drugs. The parties reached a confidential settlement providing favorable terms for Susman Godfrey's client.

I represented foreign banana workers in lawsuits against chemical manufacturers and banana growers. The clients alleged that they had been sterilized by exposure to a nematocide called dibromochloropropane (DBCP), which had been used on banana plantations throughout the 1960's and 1970's. Throughout the 1980's and 1990's, banana worker cases throughout the United States, brought by many different law firms, were routinely dismissed on the basis of forum non conveniens. However, on the strength of my briefing, my clients were able to defeat forum non conveniens dismissal for the first time. You can read the court opinion here: [Canales Martinez opinion]

For an example of my work for plaintiffs in the False Claims Act context, you can read the following court ruling. Click [here](#) to view.

A core part of my practice for many years has been representation of corporate defendants in environmental and toxic tort lawsuits. I defended ASARCO, Inc. in lawsuits alleging that it was responsible for arsenic contamination in Commerce, Texas. I defended Canada Development Investment Corporation in a CERCLA action brought by the Colorado School of Mines. I defended Forest Oil Corporation in a lawsuit alleging that it was responsible for arsenic, mercury, and radiation contamination on an oil lease in south Texas. I defended KBR in lawsuits filed by National Guardsmen who alleged that they were exposed to toxic chemicals at sites alleged managed by KBR in Iraq. I currently represent Chevron in lawsuits brought by municipalities seeking to recover damages relating to the effect of climate change. And I represent Chevron in dozens of lawsuits brought by parishes and private landowners in Louisiana relating to alleged impacts on marshland of historic oil and gas operations.

Whether you are a big company or a small one, a plaintiff or defendant, I will fight hard for your interests and always strive to be the most prepared and tenacious attorney in the courtroom.

## *Honors & Distinctions*

- *Lawdragon* 500 Leading Litigator ([2022](#), [2023](#), [2024](#))
- *Lawdragon* 500 Leading Plaintiff Financial Lawyer ([2019](#), [2020](#), [2021](#), [2022](#), [2023](#), [2024](#))
- Litigation Star, Benchmark Litigation ([2022](#), [2023](#) Euromoney)
- Managing Editor of Texas Law Review
- Arthur F. Beyer Distinguished Alumnus, Midwestern State University, 2016
- Benchmark Litigation's report commented that "Johnny Carter always seems to be about three steps ahead of everyone in the room."

## *Clerkships*

Honorable George P. Kazen, Chief Judge, United States District Court for the Southern District of Texas

, United States Court of Appeals for the Sixth Circuit

## *Education*

**Midwestern State University** (B.A., , 1993)

**The University of Texas** (J.D., , 1996)

## *Leadership & Professional Memberships*

- Life Fellow of the Texas Bar Foundation
- Member of the state bars of Texas and Louisiana and the bars of many federal courts