

# TEXAS LAWYER

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## LITIGATION

—2013—

## DEPARTMENTS OF THE YEAR

WINNER ■ GENERAL-MIDSIZE FIRM

### Yetter Coleman Flying High

By Mary Alice Robbins

In representing American Airlines Inc. in suits against the largest U.S. ticket distribution systems, Yetter Coleman had to deal with more than 5 million documents, complex issues and, in the midst of litigation, the bankruptcy filing by the client's parent company.

Paul Yetter, managing partner of the litigation boutique and American's lead counsel, says that in any dispute he tries to find the client's unique story.

"The challenge is to make it simple and compelling and to tell it in a way to make it memorable for the jury," Yetter says.

In telling American's story, Yetter focused on the airline's ticket sales. American alleged that when it developed technology to sell its tickets directly to customers, the ticket distributors engaged in anticompetitive conduct that included organizing a boycott of American's flights by travel agents.

Yetter says Fort Worth-based American and its lawyers made a strategic decision to bring state antitrust claims against Southlake-based Sabre Inc. in state court. In November 2010, American filed *American Airlines Inc. v. Sabre Inc., et al.* in Tarrant County's 67th District Court, alleging it had suffered almost \$1 billion in losses. Sabre removed the case to the U.S. District Court for the Northern District in Fort Worth, but American succeeded in having it remanded to state court.

The November 2011 bankruptcy filing by AMR Corp., American's parent company, put extra focus on whether the antitrust case was worth pursuing, Yetter says. He says the Yetter Coleman lawyers made regular presentations to American's board of directors to address the board's concerns.

The case went to trial in October 2012, but the parties settled for a confidential amount after three weeks, Yetter says.

"It was a very substantial settlement that American is very pleased with," he says.

Yetter says that after settling with Sabre, American reached a favorable settlement with Travelport LP and Orbitz Worldwide, defendants in a suit American filed in 2011 in the U.S.

District Court for the Northern District.

Bruce Wark, American's associate general counsel, says Yetter Coleman is one of American's "go-to firms" for litigation because it provides a small team of lawyers who work efficiently and are cost-effective.

"They not only get good results, I think they're a good value," Wark says.



Also in 2012, Yetter Coleman Houston partner Collin Cox joined Yetter as co-lead counsel in successfully defending General Electric Co. against a \$59 million warranty suit filed by Berge Helene Ltd., owner of a floating oil production vessel operating in the Chinguetti field off the coast of Mauritania. *Berge Helene Ltd. v. G.E. Oil and Gas Inc.*, filed in the U.S. District Court for the Southern District of Texas in Houston, involved an engineering dispute over whether G.E.-manufactured gas compressors were defectively designed, Cox says.

In preparing for trial, Yetter Coleman faced a number of challenges, including language barriers that arose because two parties in the case are Norwegian companies, while G.E.'s engineers spoke Italian.

In November 2011, U.S. District Judge Nancy Atlas denied G.E.'s motions for summary judgment on Berge's warranty claims, holding that Texas law on privity applied to the dispute. But Atlas reversed herself in 2012, applying maritime law's privity requirements and concluding that Berge's breach of warranty claims were not legally viable.

In August 2012, Yetter Coleman attorneys convinced Dallas' 5th Court of Appeals to reverse a district court's judgment vacating a \$125 million



Back row, from left: Christopher Porter, Anna Rotman, Reagan Simpson, Kevin Terrazas, April Farris, Robert Ellis; seated in front, from left: Collin Cox and Paul Yetter

arbitration award to Ponderosa Pine Energy, which had asserted warranty and indemnity claims arising out of Ponderosa's purchase of a power plant from Tenaska Energy and two affiliates. The defendants appealed to the Texas Supreme Court, where the case is pending.

Reagan Simpson, a partner in Yetter Coleman's Austin office, says he began working on the appeal in *Ponderosa Pine Energy LLC v. Tenaska Energy Inc., et al.* after briefs had been filed.

Simpson says he has found himself

facing some of the state's top appellate lawyers: former Texas Supreme Court Justice Deborah Hankinson of Hankinson in Dallas; former 14th Court of Appeals Justice Wanda McKee Fowler, a partner in Houston's Wright & Close; Mike Hatchell, of counsel at Locke Lord in Austin; and John J. "Mike" McKetta, a shareholder in Austin's Graves Dougherty Hearon & Moody. But the opposition's lineup didn't frighten Simpson.

"I always welcome having really good lawyers on the other side," he says. "It makes it interesting." ■

Mary Alice Robbins is an Austin freelance writer and former senior reporter with *Texas Lawyer*.

## Yetter Coleman

## BY THE NUMBERS

	Firm-wide	Texas
Department size (headcount)	33	33
Department as percent of firm (headcount)	100%	100%
Department as percent of firm (revenue)	100%	100%

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