



Chanler A. Langham

Partner

Houston
(713) 653-7839
clangham@susmangodfrey.com

Overview

Chanler Langham is a Partner in the Houston office and native of Fort Worth, TX. Mr. Langham litigates and manages complex commercial matters for plaintiffs and defendants in federal and state courts throughout the country involving antitrust, intellectual property, toxic torts, executive compensation, oil and gas, products liability and complex breach of contract issues. Mr. Langham has tried and won several jury trials, bench trials, and preliminary injunction hearings. Mr. Langham has also won appeals in the 2nd Circuit, 5th Circuit, and Texas Court of Appeals, in addition to successfully settling several multi-million dollar matters.

In the few years alone, Mr. Langham has served on several significant, precedent-setting legal matters. For example:

PMC v. Gemstar-TV Guide International (now named Tivo) (Dallas, Texas) In August 2017, Langham tried and won an arbitration on behalf of Personalized Media Communications against Gemstar-TV Guide International, formerly known as Rovi Guides, and now known as Tivo. Tivo claimed that the scope of an Exclusive Interactive Program Guide License, granted in December 2000, expanded to functions not performed by the program guide, but rather performed by the set-top box, such as the delivery of programming content. The arbitrator and former Eastern District of Texas Judge David Folsom rejected Tivo's arguments and found "the functionality involved in the delivery or transmission of programming content associated with tuning, pay-per-view, video on demand, near video on demand, personal video recording, or digital video recording, are not covered by the IPG license." PMC's arbitration victory ends a dispute that lasted nearly 15 years, including two trips to the Federal Circuit. Judge Folsom's decision and final judgment are attached [here](#). Langham served as co-lead counsel with CLS classmate Arun Subramanian.

Thatcher v. Wal-Mart (Benton County, Arkansas) In November 2016, Langham tried and won a jury trial on behalf of Wal-Mart against a plaintiff who claimed that a gasoline container sold by Walmart 10 years ago was defective because it ruptured when the plaintiff poured methanol on an open flame. Plaintiff claimed that a flame arrester would be a reasonable alternative design, even though testing by an independent standards setting organization shows that such devices would not work under the conditions described by the plaintiff. Plaintiff sought over \$15 million in actual damages. The jury issued a take-nothing judgment.

In Re: Automotive Parts Antitrust Litigation (E.D. Mich.) In one of the largest price-fixing cartels ever brought to light, Langham and a team of Susman Godfrey lawyers serve as co-lead counsel for a class of consumer plaintiffs in multidistrict price-fixing cases. The actions, alleging anti-competitive conduct, were

brought by indirect purchasers of component parts included in over 20 million automobiles, and involve parts such as wire harnesses, instrument panel clusters, fuel senders, heater control panels and alternators. The Susman Godfrey team, together with its co-lead counsel, has reached settlements with certain defendants of over \$620 million.

CIGNA v. Humble Surgical Hospital (S.D. Tex.) In June 2016, Langham won a bench trial on behalf of Humble Surgical Hospital against Cigna in an ERISA benefits action. Cigna alleged claims for overpayment, fraud, and fee-forgiving because Humble Surgical Hospital, an out-of-network provider, did not require patients to pay their full deductible and co-insurance before conducting surgeries. Humble Surgical Hospital sought to recover \$12.5 million and penalties for Cigna's underpayment and non-payment for hundreds of medically-necessary surgeries performed on Cigna insured patients. The Honorable Kenneth Hoyt granted judgment against all of Cigna's claims and awarded Humble over \$13 million in damages.

McManaway, et al. v. KBR, Inc. (S.D. Tex.) In October 2015, Langham won summary judgment against all claims asserted by over 160 National Guard combat troops who sought over \$1 billion in damages based on alleged chemical exposure during the Iraq War while deployed by the U.S. Army to provide force protection at an Iraq-owned water treatment plant. The Honorable Vanessa D. Gilmore explained that plaintiffs "may not recover for their genetic transformation injuries because they have failed to show that they are suffering from any physical injury caused by sodium dichromate exposure."

Personalized Media Communications, LLC v. Echostar Corp. and DISH Network(E.D. Tex.) In May 2015, Langham won a confidential multi-million dollar settlement on behalf of Personalized Media Communications (PMC) in a patent infringement action against DISH/EchoStar. PMC alleged that DISH infringed several patents related to the encryption and decryption of satellite signals.

Dig Tech v. Star Operations (Caldwell County, Texas) In March 2015, Langham tried and won a breach of contract lawsuit on behalf Austin-based Dig Tech against San Antonio-based Star Operations. Dig Tech alleged that Star Operations agreed to pay for construction work on the State Highway 130 Tollway. Star Operations claimed it did not have to pay for the work because Dig Tech did not secure a signed contract. The jury ruled unanimously in favor of Dig Tech.

XS Capital Investments et al. v. Orca ICI Development JV, et al. (Arbitration) In January 2015, serving as lead attorney, Langham recovered \$8.4 million and won a \$600,000 arbitration award on behalf of an oil and gas lease investor in a breach of contract action.

Outside of court, Mr. Langham serves on the Board of Directors for Writers in the Schools, an organization that works with educators and professional writers to engage children in the pleasure and power of reading and creative writing. Mr. Langham also serves as a mentor to several law students at the University of Houston Law Center and University of Texas Law School.

Before joining Susman Godfrey, Mr. Langham worked as a law clerk to the Honorable Vanessa D. Gilmore in the United States District Court for the Southern District of Texas. Mr. Langham earned his Juris Doctorate from Columbia Law School as a Harlan Fiske Stone Scholar, and graduated magna cum laude from The George Washington University Honors Program, where he received a Bachelor of Arts in International Affairs and Japanese Language and Literature. Mr. Langham is licensed to practice in both Texas and New York.

This year, Mr. Langham was included on *Benchmark Litigation's* first ever Under 40 Hot List (July 2016). In 2015, Langham was recognized as a "Top 100 Trial Lawyer" by The National Black Lawyers group. Langham was also named a "Rising Star" by *Texas Super Lawyers*, a publication of Thomson/Reuters in 2012, 2013, 2014, 2015, 2016 and 2017.

Education

- Columbia Law School (J.D., 2004, Harlan Fiske Stone Scholar)
- The George Washington University Honors Program (B.A., magna cum laude, Japanese Language and Literature; and International Affairs with concentration in East Asian Studies, 2000)
- Kyoto University (1998-1999)

Judicial Clerkship

Law Clerk to The Honorable Vanessa D. Gilmore, United States District Court for the Southern District of Texas (2004-2006)

Honors and Distinctions

- Benchmark Litigation's Under 40 Hot List, two years in a row (2016, 2017)
- "Texas Super Lawyers Rising Star," *Law & Politics Magazine* (Thomson Reuters; 2012, 2013, 2014, 2015, 2016, 2017)
- The National Black Lawyers "Top 100 Trial Lawyers" (2016,2017)
- Harlan Fiske Stone Scholar (2002-2004)
- Articles Editor, *Journal of Asian Law* (2001-2003)
- Teaching Assistant, Constitutional Law, Professor Louis Henkin (2003)
- Nagashima, Ohno & Tsunematsu Fellowship in Japanese Law (2002)
- Frederick Douglass Moot Court (Northeast Regional Champions, 2002)
- Alpha Phi Alpha Fraternity, Inc. — Nu Beta Chapter

Professional Associations and Memberships

- New York State Bar Association
- State Bar of Texas
- WITS – Writers in the Schools (Board Member)
- New Leaders Texas PAC (Board Member)

Wins

- In Re: Automotive Parts Antitrust Litigation (E.D. Mich.) In the largest price-fixing cartel ever brought to light, Langham and a team of Susman Godfrey lawyers serve as co-lead counsel for a class of consumer plaintiffs in multidistrict price-fixing cases pending in a Detroit, Michigan federal court. The actions, alleging anti-competitive conduct, were brought by indirect purchasers of component parts included in over 20 million automobiles, and involve parts such as wire harnesses, instrument panel clusters, fuel senders, heater control panels and alternators. The Susman Godfrey team together with its co-lead counsel have defeated multiple motions to dismiss and have reached settlements with certain defendants for over \$224.6 million. The case remains ongoing against the remaining defendants.

- **CIGNA v. Humble Surgical Hospital** (S.D. Tex.) In June 2016, Langham won a bench trial on behalf of Humble Surgical Hospital against Cigna in an ERISA benefits action. Cigna alleged claims for overpayment, fraud, and fee-forgiving because Humble Surgical Hospital, an out-of-network provider, did not require patients to pay their full deductible and co-insurance before conducting surgeries. Humble Surgical Hospital sought to recover \$12.5 million and penalties for Cigna's underpayment and non-payment for hundreds of medically-necessary surgeries performed on Cigna insured patients. The Honorable Kenneth Hoyt of the United States District Court for the Southern District of Texas granted judgment against all of Cigna's claims and awarded Humble over \$13 million in damages.
- **McManaway, et al. v. KBR, Inc.** (S.D. Tex.) In October 2015, Langham won summary judgment against all claims asserted by over 160 national guard combat troops who sought over \$1 billion in damages based on alleged chemical exposure during the Iraq War while deployed by the U.S. Army to provide force protection at an Iraq-owned water treatment plant. The Honorable Vanessa D. Gilmore of the United States District Court for the Southern District of Texas explained that plaintiffs "may not recover for their genetic transformation injuries because they have failed to show that they are suffering from any physical injury caused by sodium dichromate exposure."
- **Personalized Media Communications, LLC v. Echostar Corp. and DISH Network** (E.D. Tex.) In May 2015, Langham won a confidential multi-million dollar settlement on behalf of Personalized Media Communications (PMC) in a patent infringement action against DISH/EchoStar. PMC alleged that DISH infringed several patents related to the encryption and decryption of satellite signals.
- **Dig Tech v. Star Operations** (Lockhart, Caldwell County) In March 2015, Langham tried and won a breach of contract lawsuit on behalf Austin-based Dig Tech against San Antonio-based Star Operations. Dig Tech alleged that Star Operations agreed to pay for construction work on the State Highway 130 Tollway. Star Operations claimed it did not have to pay for the work because Dig Tech did not secure a signed contract. The jury ruled unanimously in favor of Dig Tech.
- **XS Capital Investments et al. v. Orca ICI Development JV, et al.** (Arbitration) In January 2015, Langham recovered \$8.4 million and won a \$600,000 arbitration award on behalf of an oil and gas lease investor in a breach of contract action. (Lead Attorney)
- **Mobius Medical Systems, LP v. Sun Nuclear Corporation** (S.D. Tex.) In December 2013, Langham won a permanent injunction and confidential settlement on behalf of Mobius Medical Systems, LP, a radiation oncology software company, against its exclusive distributor Sun Nuclear, for trade secret misappropriation. (Lead Attorney)
- **Rhonda Hill Wilson v. American Association for Justice** (2nd Cir.) In November 2013, Langham won a motion to dismiss and appeal before the 2nd U.S. Circuit Court of Appeals on behalf of the American Association for Justice in a defamation and intentional infliction of emotional distress action filed by a former AAJ officer. (Lead Attorney)
- **Apple Houston Restaurants v. Restaurant Partnership of Central Texas** (Harris) In October 2013, Langham won a confidential settlement on the counterclaims of Restaurant Partnership of Central Texas in a breach of contract action. (Lead Attorney)
- **Lutfie Hassan v. ICS Nett Inc., et al.** (D. D.C.) In September 2013, Langham won a confidential settlement in a breach of asset purchase agreement matter on behalf of Lutfie Hassan, a former partner to a military contracting company. (Lead Attorney)
- **Torres et al v. Taylor** (Harris County) In August 2013, Langham won a confidential settlement on the counterclaims of an energy trading investor in a breach of contract and breach of fiduciary duty action. (Lead Attorney)
- **High Island Health, LLC and Jiro Takashima v. Libertybelle Marketing, Ltd.** (S.D. Tex.)– In 2011, Langham and Brian Melton won a confidential settlement in a "sex-toy" patent infringement action against Libertybelle Marketing, Ltd. on behalf of High Island Health, LLC and Jiro Takashima. Japanese inventor Takashima, and exclusive licensee, High Island Health (the English translation of Takashima's last name) brought a patent infringement action against defendant Libertybelle Marketing, Ltd. concerning High Island's patented Aneros prostate massagers, and Libertybelle's infringing Nexus devices. After

Libertybelle's motion for summary judgment of invalidity failed and Judge Lynn H. Hughes set the parties for trial, defendant Libertybelle agreed to exit the U.S. market for the remaining term of the patent. Further terms of the settlement agreement are confidential.

- *Cernosek Enterprises, Inc. v. City of Mont Belvieu and Enterprise Products Operating, L.P.* (Texas First Court of Appeals) – In 2011, Langham and Thomas Paterson won a First Court of Appeals affirmance of a state trial court dismissal on behalf of Enterprise Products Operating. The plaintiff Cernosek Enterprises, Inc. sued the City of Mont Belvieu and Enterprise Products Operating alleging violations of Mont Belvieu's municipal ordinances governing the issuance of drilling permits and zoning for hydrocarbon storage well operations. The trial court granted Enterprise's plea to the jurisdiction contending that Cernosek lacked standing to enforce the municipal ordinances and dismissed with prejudice all of Cernosek's claims. In March 2011, the Court of Appeals for the First District of Texas affirmed.
- *Apache Corporation v. John Chevedden and KBR Inc. v. John Chevedden* (S.D. Tex.) – In 2010-2011, Langham and Geoffrey L. Harrison won two consecutive federal court judgments for Apache Corporation and KBR, Inc. authorizing the companies to exclude a purported shareholder's proposal from its proxy materials. Instead of following the normal course of obtaining a "no action" letter from the SEC, we filed suit in federal court, sought a speedy hearing, and sought a declaration that the companies properly may exclude the proposal from upcoming proxy materials under Rule 14a-8(b) because the purported shareholder failed to prove his status as a shareholder and his eligibility to submit a proposal. The Court ruled in Apache's and KBR's favor.
- *Metroplexcore, LLC v. Parsons Transportation, Inc. and METRO* (S.D. Tex.) – In 2010, Langham and Johnny Carter won a federal trial court dismissal of Metroplexcore's claims against Houston's Metropolitan Transit Authority ("METRO"). In connection with METRO's solicitation of bids for a passenger rail-line in Houston, Metroplexcore claimed that METRO wrongfully accepted a bid from Parsons. Judge Lynn H. Hughes of the Southern District of Texas dismissed Metroplexcore's claims against METRO for lack of standing and failure to exhaust administrative remedies.
- *Individual Networks v. Apple* (E.D. Tex.) – In 2009, Langham, Brian Melton, and Warren Burns settled a patent infringement lawsuit against Apple on behalf of Individual Networks pending in the Eastern District of Texas. The Individual Networks patent involved the algorithm used in Apple's iTunes store's customized advertising process. The settlement amount is confidential.
- *Apollo Energy, LLC, and ATEC Energy Ventures, LLC vs. Noble Energy, Inc.* (Arbitration) – In 2008, Langham and Mark L. Wawro settled an oil and gas breach of contract arbitration against Noble Energy on behalf of ATEC Energy Ventures, LLC and Apollo Energy, LLC. The contract involved an area of mutual interest provision for oil and gas exploration and development covering 6,662 acres of land in the Piceance Basin of Western Colorado.
- *Executive Compensation* (S.D. Tex.) – In 2008, Langham and Geoffrey L. Harrison settled an executive compensation lawsuit brought by the former chairman and CEO of our oil services industry client. The former executive alleged breach of his employment and stock option agreements. We filed a counterclaim based on the company's termination of the executive for cause, and sought cancellation of the executive's stock options and repayment of millions of dollars in compensation plus our attorneys fees. We filed an affirmative motion for summary judgment to establish our entitlement to this recovery as a matter of law. While the motion for summary judgment was pending, we were able to settle the case for a fraction of the amount that the executive claimed.
- *Elva Martinez Cuellar, et al. v. Pelonis Appliances, Inc. and Texas Instruments* (Dallas County) – In 2010, Langham 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 and by Pelonis. Langham 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.
- *Texas Instruments* (Nationwide) – In 2006-2007, Langham organized, litigated, and obtained dismissals of over 30 products liability cases for Texas Instruments. These 30+ cases were spread out over 12 states and involved 3 wrongful death and survivor claims. Langham hired and managed 11 sets of local counsel, coordinated all discovery, deposed 50+ plaintiffs and experts, worked with leading fire cause and origin experts, and removed 20+ additional cases to federal and state Multi-District Litigation.