

# Litigator of the Week

## Runners-Up and Shout Outs

Our first runners-up this week at Bracewell won a whopping \$1.6 billion in damages in a breach of contract suit against IBM Corp.

By Ross Todd  
June 3, 2022

► Our first runners-up this week are trial lawyers at **Bracewell** who were led by **Sean Gorman** along with **Christopher Dodson**. After a two-week bench trial in March, U.S. District Judge Gray Miller in Houston sided with Bracewell's client BMC Software Inc. and awarded a whopping \$1.6 billion in damages in a breach of contract suit against IBM Corp. BMC alleged that IBM fraudulently induced it to sign a 2015 licensing agreement and used its access to the company's proprietary mainframe software to horn in on its relationship with longstanding customer AT&T. Miller concluded IBM entered the agreement "with no intention whatsoever of performing thereunder" to "exercise rights without paying for them, secure other contractual benefits, and ultimately acquire one of BMC's core customers." The judge concluded: "IBM's conduct vis-à-vis BMC offends the sense of justice and propriety that the public expects from American businesses." The award included \$717 million in actual damages, \$168 million in interest and \$717 million in punitive damages. The Bracewell trial team also included **Andrew Zeve**, **Jeff Oldham**, **Timothy Geiger**, **Jeremy Dunbar**, **Kyle Mason**, **Drewe Molin**, **Matthew Reasoner**, **Walter Simons** and **Cole Thoms**.