



## Benjamin G. Goodman

**Partner**

**Dallas**

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**PRACTICES** Government Enforcement and Litigation, Litigation, SEC Enforcement, Internal Investigations, Privacy and Data Security, Securities and Shareholder Litigation, Class Action Defense, Products Liability Litigation, Antitrust and Competition, Criminal Investigations and Prosecutions, False Claims Act, Qui Tam and Litigation, Private Antitrust Litigation

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Benjamin Goodman is a litigator known for his client-first approach, tireless dedication, and strategic thinking. Whether representing financial institutions in a securities class action, a manufacturer in a consumer fraud case, or a healthcare services company in antitrust litigation, he understands that successfully serving clients requires understanding the big picture—his clients’ businesses and priorities—and not just the discrete legal issues at hand.

Benjamin’s civil and criminal practice spans an array of white collar and commercial matters representing public and private companies, individual executives and officers, and boards. He routinely represents clients in securities, antitrust, healthcare, and other fraud-related litigation, including class actions. He navigates clients through data and privacy decisions, internal investigations, and investigations by government entities like the DOJ, SEC, and state AG offices. Benjamin’s practice extends beyond white collar matters to all types of commercial disputes and product liability cases.

Benjamin argues critical motions in venues across the country, such as a motion to dismiss a class action in Texas federal court and an opposition to class certification in Virgin Islands territorial court. He also prepares successful case-dispositive motions, including a motion to dismiss a fraud case against a manufacturer of work tools and a motion for summary judgment on behalf of a popular retailer who was victimized by a data breach. Clients appreciate Benjamin’s sound judgment and reliability quarterbacking teams in complex matters—like parallel securities class actions, parallel antitrust class actions, and multi-jurisdictional product liability litigation.

As a Dallas native, Benjamin enjoys giving back to his local religious and non-profit communities. He serves on the firm’s pro bono committee, co-leads the firm’s partnership with the Katy Trail, and serves as a board member for The Sandlot Children’s Charity, which provides financial assistance to organizations that support kids with physical and intellectual disabilities.

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## QUALIFICATIONS

## EDUCATION

- J.D., The University of Texas School of Law, 2015, *High Honors*; Order of the Coif; Chancellors; Morgan L. Pearce Endowed Presidential Scholarship in Law; Editorial Board, Associate Recent Developments Editor, *Texas Journal of Oil, Gas, and Energy Law*
- B.A., Political Science and French, Vanderbilt University, 2011

## CLERKSHIPS

- Judicial Intern to the Honorable Judge Lynn N. Hughes, U.S. District Court for the Southern District of Texas, July - August 2013

## LANGUAGES

- French

## ADMISSIONS

- Texas

## COURT ADMISSIONS

- U.S. Court of Appeals for the Fifth Circuit
  - U.S. Court of Appeals for the Sixth Circuit
  - U.S. District Court for the Eastern District of Texas
  - U.S. District Court for the Northern District of Texas
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## PUBLICATIONS AND SPEAKING ENGAGEMENTS

- “Now You See It, Now You Don’t: What to Do About Ephemeral Data,” speaker, Cybersecurity and Data Privacy Law Conference, Institute for Law and Technology at The Center for American and Internal Law, September 11, 2019.
  - “Emerging Issues with Ephemeral Data and Messaging Applications,” speaker, 2018 Essential Cybersecurity Law Conference, Houston, Texas, July 25, 2018.
  - “Recent Developments in Texas, United States, and International Energy Law,” contributor, *Texas Journal of Oil, Gas, and Energy Law*, Volume 10.1 and 10.2.
  - “Temporary Emergency Jurisdiction Under the UCCJEA: The Bermuda Triangle of Child Custody Determinations,” author, *State Bar Section Report: Family Law*, Spring 2014, at 13.
  - “The Evolving Landscape of Cybersecurity Disclosures,” contributor, *American Bar Association Section of Litigation, Securities Litigation*, July 16, 2013.
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## PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Dallas Bar Association
  - Dallas Association of Young Lawyers
  - American Bar Association, Sections of Litigation, Health Law, and Antitrust
  - National Association of College and University Attorneys
  - Board Member, The Sandlot Children's Charity
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## SELECTED CLIENT REPRESENTATIONS

### *Antitrust Litigation and Investigations*

- Secured complete dismissal of federal antitrust claims seeking \$250 million in damages against nation's leading healthcare services companies, including conspiracy and monopolization claims for alleged exclusive dealing and refusal to deal under Sections 1 and 2 of the Sherman Act.
- Defended leading concrete manufacturer in parallel antitrust class actions brought on behalf of thousands of class members that alleged illegal market allocation in violation of local and federal antitrust law.
- Persuaded DOJ to bring no action against leading construction products manufacturer during civil and criminal antitrust investigations.
- Advised clients on mitigating antitrust risk for strategic business decisions like exclusive services agreements, market expansion, and corporate restructuring.

### *Securities and Other Class Actions*

- Defended securities class action for leading financial institutions who underwrote public offerings totaling over \$800 million of a publicly-traded freestanding emergency room operator.
- Defended publicly-traded oilfield services firm, certain officers and directors, and a private investment firm in parallel state and federal securities class actions related to the company's IPO of nearly \$250 million.
- Defended manufacturer of water filter systems against consumer fraud claims in federal court brought on behalf of a nationwide class of potentially millions of consumers.

### *Product Liability and Other Complex Litigation*

- Secured complete dismissal before the Sixth Circuit Court of Appeals for retailer in a lawsuit that set important limitations on the liability of merchants who have been victimized by data breaches.
- Secured complete dismissal of fraud case in federal district court against manufacturer of work tools.
- Defended serial product liability lawsuits throughout the U.S. against a major manufacturer of highway products.
- Advised clients on mitigating product liability risk for strategic business decisions like corporate transactions, product expansion, and corporate restructuring.

### *Government Investigations, Internal Investigations, and Other Board Advice*

- Persuaded civil and criminal divisions of the DOJ to bring no action against telecommunications services company during fraud investigations.
- Persuaded state Attorney General to bring no action against online travel agency during investigation into potential violations of consumer protection laws.
- Secured no-action termination letter from SEC during investigation of investment adviser's securities trading strategies involving allegations of possible front-running and insider trading.
- Persuaded SEC to take no action against chief financial officer of public company in investigation of restated financials, including allegations of false statements in company filings and aiding and abetting violations of securities laws.
- Lead internal investigations for leading financial institution, leading manufacturer, and other corporate clients into highly-sensitive matters with financial and reputational implications.
- Advised boards of Fortune 50 companies on technology usage and risks, including ephemeral messaging applications and personal electronic devices.

## AWARDS AND RECOGNITIONS

- Included in the "Ones to Watch" category of *Best Lawyers in America*, Woodward/White, Inc., 2021-2025
- Top Attorney Under 40, Cardozo Society, Jewish Federation of Greater Dallas, 2018