Wheeler Trigg O'Donnell

# Judith Pace Youngman

Partner

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303.244.1865

Judith Youngman represents clients in complex commercial litigation, including high-stakes antitrust, financial, IT outsourcing, and class action matters. In particular, Judith helps clients win disputes before litigation is ever filed. She is highly skilled at fixing contracts and business relationships that fail to produce the desired results.

Judith focuses on building prelitigation and litigation strategies that put clients in the best possible posture. She works closely with clients when issues first arise, developing strategies that prioritize the clients' goals–with or without litigation. Time and again, Fortune 100 and 500 corporations select Judith to help prepare and resolve contentious legal issues.

## Credentials

## Education

The University of Texas Law School, J.D., 1999

University of Texas at Austin, B.A., *magna cum laude*, 1996; Government and Business

**CLERKSHIPS**

Law Clerk, Sixth Court of Appeals of Texas

**LEGAL MEMBERSHIPS**

Colorado General Counsel Mentor Program, 2023

American Bar Association

Colorado Bar Association

Colorado Women's Bar Association

Denver Bar Association

Texas Bar Association

**BAR AND COURT ADMISSIONS**

Colorado
Texas
U.S. District Court, D. Colorado
U.S. District Court, E.D. Texas
U.S. District Court, N.D. Illinois
U.S. District Court, N.D. Texas
U.S. District Court, S.D. Texas
U.S. District Court, W.D. Texas

## Practices

Antitrust
Class Actions
Commercial Litigation
Product Liability

# Cases

**COMMERCIAL LITIGATION**

Achieved favorable settlements for an investment management company in a dispute with investors regarding alleged misrepresentations, conflicts of interest, and improper fees, including claims of breach of fiduciary duty and fraud.

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Developed claims and strategy to help a service provider that was losing $500,000 per day and potentially $1 billion over the life of a contract to achieve a negotiated resolution with a small fraction of the ongoing losses.

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Developed a viable exit strategy for a global industrial corporation that was on track to lose nearly $1 billion on a long-term energy contract, which required a comparable sum to exit. Achieved a negotiated exit that avoided the substantial upfront payment and future losses.

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Successfully represented Aimco, a publicly-traded apartment REIT, in nationwide litigation alleging business torts against Airbnb. After jury selection in the first trial, Airbnb settled all litigation on terms allowing Aimco to control short-term rental activity consistent with its contract and property rights.

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Obtained a payment of several hundred million dollars for a client by implementing a strategy and process to challenge a customer that sought to insource services without paying compensation.

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Assisted a client in renegotiating a U.S. government contract with exposure to the client of more than $2 billion because the customer was purchasing less than the minimums and blaming the client. Developed claims that restored the client's leverage to renegotiate the contract.

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Represented a Fortune 100 client in conducting a comprehensive review of 20 red accounts in the U.S. and abroad, with a total risk of several hundred million dollars in losses. Helped develop the process for review and recommendations for each account, while acting as coordinating counsel for a team of three law firms. The result was an overall turnaround of accounts and achievements of business targets.

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Helped save a client hundreds of millions of dollars by developing and implementing a strategy to allow for a reduction of minimums in a telecommunications contract through a process that included a determination by the Board of Directors and fast-track arbitration.

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Represented trustees in multiple residential mortgage-backed securities actions that concerned billions of dollars in mortgage loans by several major banks and resulted in favorable settlements for the clients.

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Developed and implemented a strategy that successfully led to the exit of an unfavorable, nationwide IT contract and achieved a win-win by renegotiating the contract to include new, more profitable services.

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Defended against breach of contract allegations made by a customer against a client with $100 million of margin at stake. Developed defenses and counterclaims and successfully resisted the customer's efforts resulting in a negotiated termination that preserved the client's margin.

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Represented entities, including banks and large feeder fund, in financial services litigation arising out of the Bernard Madoff Ponzi scheme where claims were asserted by investors for, among other things, breach of fiduciary duty and fraud.

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Served on the legal team of lead litigation counsel for the Creditors Committee in *Official Committee of Unsecured Creditors v. Fastow, et al.,* and in multidistrict litigation arising out of the Enron Corp. bankruptcy. Successfully resolved several claims and lawsuits.

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**ANTITRUST**

Representing multiple healthcare systems in opt-out antitrust claims against Blue Cross Blue Shield Association and the individual Blues entities, challenging anticompetitive agreements that have wrongfully deprived the providers of competitive reimbursement for their services.

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Obtained favorable settlement for a publicly traded apartment REIT facing antitrust class action claims as part of multidistrict litigation that spans 40 states based on the alleged use of algorithms in setting residential rental rates.

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Successfully represented one of the nation's largest grocery and foodservice distributors as a direct action plaintiff in antitrust litigation concerning broiler chickens.

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As lead trial counsel for a natural gas company, settled a $2 billion putative antitrust class action alleging wholesale price manipulation for a small fraction of the demand after persuading the Seventh Circuit to vacate class certification.

Represented a Fortune 500 manufacturer against substantial antitrust and false advertising claims brought by a competitor, achieving a favorable result for the client through trial and appeal.

**CLASS & MASS ACTIONS**

Defended a global manufacturer in consumer class actions in federal and state court involving nearly $1 billion in damages claims. Helped negotiate and implement a class settlement that resulted in no payment by client.

Successfully defended a leading telecommunications company in an MDL involving 18 consumer, securities, and derivative class actions, as well as mass arbitrations filed by opt outs, that challenged the company's marketing and sales practices.

Represented the chairman of a Fortune 500 company in shareholder class action litigation involving significant issues regarding dual-class stock. Favorably resolved cases pending in Texas and Delaware, and the client obtained a significant premium over common shareholders.

Selected as liaison counsel to all distributor defendants in federal multidistrict litigation in California involving vaping products.

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