



Nicole Williams

Partner

Dallas
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PRACTICES

- Business Litigation
- Media and Internet
- Advertising & Rights of Publicity
- Class Action
- Antitrust
- Business Ownership & Governance Disputes

INDUSTRIES

- Agriculture & Food
- Media and Internet
- Health Care
- Manufacturing

ADMISSIONS

- Texas
- Arkansas Ct of Appeals
- Texas USDC, Eastern District
- Texas USDC, Northern District
- Texas USDC, Southern District
- Texas USDC, Western District
- US Ct Appeals, 5th Circuit (LA, MS, TX)
- US Ct Appeals, 9th Circuit (AZ, CA, HI, ID, MT, NV, OR, WA, Guam, M. Isles)
- US Ct Appeals, 11th Circuit (AL, FL, GA)
- US Supreme Ct

AFFILIATIONS

- Federal Bar Association Antitrust & Trade Regulation Section; Secretary, 2014-2016, Deputy

Nicole is a highly experienced trial lawyer representing clients in matters involving antitrust, advertising, business divorces and disputes, fraud investigations and litigation, RICO, and class actions. She is the managing partner of Thompson Coburn's Dallas office.

Nicole represents clients as both plaintiffs and defendants in federal and state court. She handles litigation in connection with claims under federal and state antitrust statutes, unfair competition laws, Lanham Act and false advertising laws. She also defends clients from claims relating to various state consumer protection laws, particularly the laws of the states of Texas, California and New York. Nicole also represents clients as both plaintiffs and defendants in fraud investigations and resulting litigation, as well as business divorces and disputes, and general commercial litigation matters.

Nicole also counsels clients in the areas of antitrust and trade regulation, including advertising. She prepares and administers antitrust compliance policies and training programs and provides legal opinions and advice to a wide range of companies regarding the antitrust implications of product distribution agreements, joint ventures, other contractual arrangements, membership requirements for organizations, and mergers and acquisitions. She provides legal opinions and advice to food, beverage and consumer product and service companies regarding existing or proposed advertising materials, including product packaging, labeling and distribution materials, and social media and website content, as well as analyzing similar competitor materials and comparative advertising campaigns. She also analyzes product packaging, labeling and social media and website content as part of due diligence in transactions. Nicole helps clients navigate First Amendment, Texas Citizens Participation Act (anti-SLAPP) and Defamation Mitigation Act issues related to advertising, social media, business and consumer disputes and news publications.

Nicole represents clients in investigative proceedings by the Federal Trade Commission, Department of Justice, Texas Attorney General and National Advertising Division of the Better Business Bureau.

A leader in her field, Nicole has held leadership positions in the antitrust sections of the ABA, the Federal Bar Association, the Dallas Bar Association and the State Bar of Texas. Nicole is a Management

Chair, 2017-2019

- American Bar Association Antitrust Law Section, Vice Chair, Competition Torts Committee 2021-2022, Vice Chair, Advertising Disputes and Litigation Committee, 2017-2020, 2022-Present
- Antitrust & Business Litigation Council, State Bar of Texas, 2010-present
- Dallas Bar Association; Antitrust and Trade Regulation Section; Chair, 2012-2013, 2015; Treasurer, 2011; Leadership Committee, 2010, 2014
- ABA Model Jury Instructions in Civil Antitrust Cases, Revision Committee, 2016
- Texas Bar Foundation, Sustaining Life Fellow
- DAYL Foundation, Fellow
- Leadership DISD Alumni
- Mayor's Star Council (Engage Dallas) Alumni

EMPLOYMENT

- Thompson Coburn LLP Partner, 2020-Present
- Thompson & Knight LLP Partner 2012-2020, Associate 2003-2012
- UNT Dallas College of Law Adjunct Professor and Head Coach of Advocacy Teams, 2015-Present

EDUCATION

- Duke University School of Law, J.D., honors, 2003; Law School Advocacy Award; Jou
- Auburn University, B.S., Chemical Engineering, cum laude, 2000

Committee Member of the Firm's AI Task Force.

Experience

- **Advertising and Social Media**

Representing food manufacturing company in defense of putative class action regarding origin and other false advertising claims.

Representing food manufacturing company in regulatory proceedings related to advertising claims of competitors.

Representing consumer services provider in litigation related to advertising claims of competitors.

Represented a carbon steel flange manufacturer in defense of Lanham Act and common law false advertising and unfair competition claims brought by a competitor, prevailing on summary judgment and asserting counterclaims for Lanham Act and common law false designation of origin, false advertising and unfair competition.

Represented individuals in defense of advertising and intellectual property claims related to sale of turban and other head covering products, resulting in favorable settlement.

Represented major online review company in suit related to review platform, resulting in a dismissal of the case.

Advised numerous food, beverage and consumer product companies regarding product labels; print, online and social media advertising campaigns; and distribution strategies.

Represented a major airline in a putative class action relating to airline's cancellation policy, resulting in a dismissal of the case.

Represented a major airline in a putative class action relating to airline's reward program, resulting in a dismissal of the case.

Represented an individual Yelp! reviewer in a case brought by a business asserting breach of contract and defamation claims, resulting in dismissal under the Texas Citizens' Participation Act (anti-SLAPP statute).

Represented multiple pet food manufacturers in threatened putative consumer class actions challenging labeling and advertisements.

Represented a major airline in a putative class action relating to service, resulting in voluntary dismissal following a motion to dismiss.

Represented food product manufacturer in multiple alleged nationwide and statewide class actions related to false and misleading advertising for various products.

Represented consumer product manufacturer in agency proceeding regarding allegations of false and misleading advertising.

Represented international restaurant chain in threatened putative statewide consumer class action challenging representations on restaurant menu.

Represented retail food provider in Lanham Act and Alabama Deceptive

COMMUNITY

- Broadway Dallas, Advisory Board, 2022-Present
- Junior Players, Board of Directors, 2021-Present
- Rainbow Days, Inc., Board of Directors, 2014-2020
- Attorneys Serving the Community, 2017-Present
- City of Dallas Judicial Nominating Commission, Appointed Member, 2017-Present, Vice Chair, 2017-Present
- Dallas Association of Young Lawyers, Board of Directors, 2006

Trade Practices Act case, resulting in dismissal of first complaint and summary judgment granted in favor of client.

Represented retail food provider in threatened putative nationwide consumer class action challenging food product labels; motion to dismiss granted in related Lanham Act case.

Representing a major airline in a putative class action relating to service fees.

Representing a major consumer retail company in a putative class action relating to alleged safety issues and related product representations.

Represented food product manufacturer in defending putative class action claims related to origin of the product, resulting in a dismissal of the complaint.

Represented multiple food product manufacturers in defending putative class action claims related to product ingredients, resulting in dismissal of claims or favorable settlements.

Represented multiple foods product manufacturers in defending putative class action claims related to "natural" representations or allegedly bioengineered or GMO ingredients, resulting in dismissal of claims or favorable settlements.

Represented various companies in investigating and making claims related to competitor advertising statements

- **Antitrust**

Representing defendant in antitrust putative class case regarding independent distributor arrangements; defeated request for temporary restraining order and successfully transferred venue of case.

Advised numerous companies regarding antitrust aspects of proposed joint ventures, mergers and acquisitions.

Represented numerous companies in responding to subpoenas and CIDs from government agencies related to antitrust investigations.

Represented a manufacturer in an adjudicatory proceeding before the Federal Trade Commission involving price-fixing allegations.

Advised numerous companies regarding potential antitrust actions and implications of competitors' behavior.

Advised numerous companies regarding antitrust policy, training, and compliance matters.

Represented a manufacturer in direct and indirect purchaser putative class actions regarding an alleged conspiracy to fix prices.

Represented offshore drilling company in putative class action alleging antitrust and RICO violations, resulting in summary judgment in favor of client.

Represented a group of physicians in an adjudicatory proceeding before the Federal Trade Commission involving price-fixing allegations.

- **Commercial Litigation**

Representing owner of closely-held companies in breach of contract and fiduciary duty derivative arbitration and lawsuit against other members and managers.

Representing chapter 7 bankruptcy estate in pursuing over \$200 million in claims against former principals.

Representing certified class of creditors in court-approved settlement of wage and related claims in chapter 7 bankruptcy proceeding.

Representing reorganized company in fraud suit against former principals seeking recovery of over \$90 million.

Represented owners of retail chain as plaintiffs in litigation against business partners for breaches of fiduciary duties and other wrongful actions.

Represented creditors' trust in litigation against putative defendant class of shareholders receiving over \$10 million in dividends.

Represented bankruptcy chapter 11 Trustee in class action adversary proceedings related to ownership of alleged estate assets and rescission claims against the estate, securing approval of class action settlement required to resolve over \$2 billion bankruptcy.

Represented a medical marijuana distributor in defending claims of fraud and securities violations and RICO claims, resulting in a dismissal of the case.

Represented litigation trustee in fraud suit against principal of investment scheme, resulting in a favorable judgment of over \$40 million.

Represented a student in a First Amendment challenge to educational institution policies, resulting in a favorable dismissal.

Represented a company in defending defamation claims involving the First Amendment and the Texas Citizens' Participation Act (anti-SLAPP).

Represented food product manufacturer in alleged class action regarding treatment of independent distributors, resulting in dismissal of case.

Represented food product manufacturer in arbitration proceeding regarding status of independent distributors and other labor claims, resulting in complete victory for client.

Represented food product manufacturer in action by an independent distributor for various Arkansas state law claims, resulting in Arkansas Supreme Court opinion that arbitration agreement required dismissal of case.

Represented real estate developer as the plaintiff in arbitration proceeding regarding a contractual dispute, resulting in a complete victory for client, including award of attorneys' fees.

Represented title insurance company and insureds to resolve issues relating to missing and incorrect documentation in more than 500

residential property closings across the country.

Represented banking institution in defending claims of breach of contract and fraud, resulting in take-nothing judgment in favor of the client.

Represented both plaintiffs and defendants in wrongful foreclosure actions of both commercial and residential property.

Represented both plaintiffs and defendants in actions relating to non-competition and confidentiality agreements, including obtaining temporary restraining orders.

Recognitions

- Best Mentor Honoree, Texas Lawyers Awards, 2022
- Included in The Best Lawyers in America (by BL Rankings) for Antitrust Law, Litigation-Antitrust, 2016-2024
 - Named Lawyer of the Year for Litigation - Antitrust by The Best Lawyers in America (by BL Rankings), 2023
- Recommended Attorney, The Legal 500 US by Legalease for General Commercial Disputes, 2018-2019
- Recognized in Texas Super Lawyers by Thomson Reuters for Antitrust Litigation, 2014-2023
 - Included as a "Rising Star" for Antitrust Litigation, 2012-2014
- Listed in the Under 40 Hot List by Benchmark: Litigation, The Definitive Guide to America's Leading Litigation Firms & Attorneys, 2016-2018
- Leadership Council on Legal Diversity Fellow, 2017
- Rainbow Days Promise Award Recipient, 2015
- Listed, Best Lawyers Under 40 in Dallas by D Magazine, 2006

Presentations

- Panelist, "Managing Partners Panel," Texas Minority Counsel Program October 27, 2023
- Consumer Protection Update, ABA Antitrust Law Section, June 8, 2021
- "Responsible Return to the Workplace: Testing and Contact Tracing," Dallas Regional Chamber, September 10, 2020
- "Consumer Protection Update," ABA Antitrust Law Section, June 18, 2019
- "Consumer Protection Litigation: U.S. Trends and Developments," ABA Antitrust Law Spring Meeting, March 28, 2019
- "Defamation and Business Disparagement – Old Torts with a New Twist in the Age of Social Media," Association of Corporate Counsel, August 8, 2018
- "Mock Trial - Motion to Dismiss Hacking Suit," ABA Antitrust Law Spring

Meeting, Spring 2018

- Trial-Focused Discovery: You Don't Always Get What You Want, But Get What You Need," ABA Section of Litigation Spring Meeting, Spring 2017
- "Strategies and Tips on Multidistrict Practice and Litigation," State Bar of Texas Annual Meeting, June 20, 2013
- "Protecting Brand Integrity: Product Theft, Diversion, and Counterfeiting and Product Reputation and Promotion," RIMS Conference, April 29, 2015
- "The Arbitration Tool Box: Arbitrating Complex Cases," Federal Bar Association, March 24, 2015
- "Getting Jury Instructions Right In Civil Antitrust Cases," ABA Antitrust Spring Meeting, March 26, 2014
- "Antitrust Aspects of M&A Transactions," Corporate Counsel Institute, Spring 2014
- "FTC v. North Carolina Dental: Implications for State Regulation," ABA Antitrust Section, July 19, 2013

Publications

- Quoted, "Three Diverse Managing Partners Talk Shop, Share Wisdom at TMCP," *The Texas Lawbook*, October 31, 2023
- "Thompson Coburn Makes 5-Year Sponsorship Commitment to UNT Law Moot Court Competition," *The Texas Lawbook*, October 2021
- "2021 Rule Changes: Texas Rules of Civil Procedure," *Dallas Bar Association Headnotes*, July 2021
- "The Texas Citizens Participation Act Enters a New Era," *On the Cusp, UNT Dallas Law Review*, Spring 2021
- "Thompson Coburn's Crazy First Year in Texas: A Q&A with Nicole Williams," *The Texas Lawbook* March 2021
- "Recent Texas Citizens Participation Act Amendments," *UNT Dallas Law Review*, Fall 2019
- "SCOTX Erects New Hurdle for Litigating Anonymous Defamation," *Texas Lawbook*, February 07, 2019
- ABA Antitrust Class Action Handbook, Chapter Contributor, 2018
- ABA Handbook of Market Definition, Chapter Contributor, 2012
- ABA Joint Venture Antitrust Handbook, Chapter Contributor, 2014