

Top Commercial Litigation in 2022

Media Mentions

December 27, 2022 | *The Texas Lawbook* | 1 minute read | Houston

The Texas Lawbook looked back on some of the most significant litigation Texas lawyers handled in 2022, which featured BMC's \$1.6 billion fraud verdict against IBM.

An eight-day bench trial before US District Judge Gray Miller ended with Houston-based BMC Software securing a massive \$1.6 billion fraud verdict against IBM.

In 106 pages of findings of fact and conclusions of law issued in May, Judge Miller found that IBM had made material misrepresentations to BMC during contract negotiations that it wouldn't displace BMC's products from mutual client AT&T's mainframe systems but did so anyway.

"IBM is one of the largest technology companies in the world — and it exploited BMC's justifiable reliance for its own gain, cementing its abdication of good faith and fair dealing in the service of its own self-reliance," Judge Miller wrote. "IBM's conduct vis-à-vis BMC offends the sense of justice and propriety that the public expects from American businesses."

The case is currently on appeal to the Fifth Circuit.

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