

# FormanWatkins

Forman Watkins & Krutz LLP

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## T. Peyton Smith

### Partner

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One look at the labyrinth of arrows and notes on his whiteboard wall reveals that, for Peyton, collaborative thinking and creative strategies are the pathways to success for his clients. Drawing on his wide range of experiences, from clerking on the Fifth Circuit to justice system reform work in Uganda to prosecutorial trial work in Boston, Peyton strives to identify the most effective course of action in all his cases. To Peyton, the legal system remains a system comprised of people striving for resolution in occasionally unpredictable and imperfect ways. As such, part of Peyton's approach is to consider the human element in every case, something he considers essential to providing a thoughtful representation that gets results. In this vein, Peyton can often be found scribbling on that whiteboard wall and brainstorming with his coworkers to craft solutions that meet the unique needs and goals of his clients.

## Education

- University of Virginia School of Law, J.D.
- University of Mississippi (Honors College), B.A., *Phi Beta Kappa*

## Bar Admissions

- Mississippi, 2011
- Louisiana, 2013
- Texas, 2023
- United States Supreme Court

## Clerkship

- Law Clerk to the Honorable Rhesa H. Barksdale, U.S. Court of Appeals for the Fifth Circuit

## Important Litigation Involvement

- Represents and/or coordinates the defense of international hotel brand in variety of claims across the country.
- Served as lead appellate counsel conducting oral argument and drafting briefing before United States Court of Appeals for the Fifth Circuit for Fortune 500 company in multi-million dollar commercial dispute.
- Representing whistleblower in False Claims Act suit related to multi-billion dollar Medicaid Fraud.
- Successfully represented national retailer in multi-million dollar commercial dispute with logistics company.
- Won summary judgment in Louisiana state court for forest products company facing unfair trade practices litigation.
- Currently representing Fortune 500 company in multi-million dollar commercial dispute related to wetlands mitigation banking credit sales.
- Won summary judgment in Mississippi federal court for regional restaurant chain in employment discrimination action, successfully establishing non-retaliatory reason for plaintiff's termination (2021).
- Successfully defended founder of bitcoin exchange against claims seeking nine-figure damages for alleged theft of cryptocurrency.
- After extensive briefing and representation at asylum hearing as co-lead counsel, successfully obtained asylum on behalf of family of Iraqi Christians who fled to the United States during the rise of ISIS.
- Represented forest products client against 30+ consolidated personal injury claims related to alleged formaldehyde exposures in Louisiana state court.
- Conducted oral argument and drafted briefing as lead appellate counsel for Fortune 500 client before Pennsylvania Superior Court in defense of summary judgment in products liability action. *Lamson v. Georgia-Pacific, LLC, et al.*, No. 1459-EDA-2018.
- Member of trial team representing Fortune 500 bottle manufacturer during two-week jury trial of negligence and breach of contract claims, which ultimately resulted in a defense verdict in New Orleans Civil District Court.
- Obtained summary judgment in Copiah County Circuit Court on a misappropriation of likeness claim relating to the filming and broadcasting of a hunting television show.
- Represented Fortune 500 company in briefing and at oral argument before United States Court of Appeals for the Fifth Circuit in successfully defending summary judgment on appeal by establishing that the testimony of plaintiff's expert as to the cause of a truck rollover was too speculative to carry plaintiff's burden at trial. *Barefoot v. Weyerhaeuser Company*, - Fed.Appx. -, 2018 WL 1602947 (affirming *Barefoot v. Weyerhaeuser Company*, 2017 WL 1380472 (W.D.La. 2017)).
- Served as lead appellate counsel before United States Court of Appeals for the Fifth Circuit, successfully defending dismissal of wrongful death action based on district court's extension of judicial immunity to appointed receiver of subject property. See, *Henderson v. West Jackson Student Housing, L.L.C., et al.*, -

Fed.Appx. - 2017 WL 359660 (5th Cir. 2017).

- Authored amicus curiae brief before United States Supreme Court on behalf of several public policy institutions regarding First Amendment rights of hearers to receive information obtained by investigative journalist. Daleiden, et al v. NAF, 17-202 (2017).
- Represented manufacturer in arguing issue of first impression before Texas Supreme Court relating to interpretation of the state's recently amended forum non conveniens statute, In re Mahindra, 17-0019.
- Drafted briefing before en banc panel of Mississippi Supreme Court as part of appellate team that successfully obtained reversal of punitive damages and attorney's fees awards in products liability action, Union Carbide v. Nix, Jr., 142 So.3d 374 (Miss. 2014).
- Served as advisor to one of the world's largest privately-held corporations on issues relating to personal jurisdiction in its nationwide litigation portfolio.
- Obtained partial summary judgment on behalf of large privately-held corporation, binding plaintiffs to damages-limitation provision that capped available damages at \$1,000,000 in a case alleging over \$30,000,000 in damages.
- Achieved substantial monetary award in Mississippi construction defect arbitration.
- Represented large tech platform in data breach/privacy class action in Louisiana state court.
- Served as jurisdictional attorney managing day-to-day mass tort litigation for Fortune 100 company in multiple states.
- Obtained summary judgment on behalf of Fortune 100 company in Louisiana product liability action on grounds that plaintiff's injury was too attenuated from client's conduct to support plaintiff's theory of liability.
- Obtained summary judgment of claim seeking seven-figure damages in federal district court for Fortune 100 company on grounds that premises owner owed no duty to plaintiff, See Bootenhoff v. Hormel Foods Corp., 2014 WL 3744011 (W.D. Okla. 2014).

## Professional Recognition

- *The Best Lawyers in America®*: Ones to Watch, since 2021: Commercial Litigation, Mass Tort Litigation/Class Actions – Defendants
- Selected to Louisiana Rising Stars (2018-2021)
- Selected to Mid-South Rising Stars (2017-2023)
- FormanWatkins Pro Bono Star, 2020





## Organization/Committee Memberships

- DRI: The Voice of the Defense Bar
- Retail Litigation Center

## Speaking Engagements

- "Assessing Case Risk in Asbestos Litigation," Perrin National Asbestos Conference - September 2023 (Charleston, S.C.)
- "Developments in PFAS Litigation," Retail Litigation Center - 2022 Litigation Summit
- "Taking on a Pro Bono Asylum Case," PLI's Pursuing Justice: The Pro Bono Files podcast, October 2021. Listen [here](#).
- "Need for Speed: Utilizing Snap Removal," Retail Litigation Center - Meeting of the Members (Spring 2021)
- "Settlement Negotiation Ethics: Do's Don'ts and Surprises," Perrin Conferences' CLE (webinar) (August 2020)
- "The New 'Home State' Test for General Personal Jurisdiction: the End of an Era?" HarrisMartin National Benzene Litigation Conference, December 2014, New Orleans, Louisiana

## Publications

- "Personal Jurisdiction, Registration as Consent, and the Commerce Clause," *For the Defense*, DRI, June 2019.
- "Direct-to-Consumer 3D Printing Protection: Searching for a Predictable Liability Regime," *For the Defense*, DRI, Vol. 58, No. 11, November 2016.
- "MDL-875 Embraces the Sea-Change Brought About By Daimler," *Mealey's Litigation Report*, December 2014.

## Pro Bono & Community Service

- Jackson/Hinds Library System, Board of Trustees
- Pro Bono Asylum Attorney, Migrant Support Center at Mississippi Catholic Charities
- Belhaven Improvement Association, Former Board Member
- Special Prosecutor, Rankin County District Attorney's Office

## Previous Experience

- First-chair jury and bench trial experience as 3:03 Prosecutor in Suffolk County District Attorney's Office, Boston, Massachusetts
- NFLPA Certified Contract Advisor
- Served as Legal Intern with International Justice Mission (IJM) in Kampala, Uganda

## Other Office Location

- New Orleans, Louisiana

## Practice Areas

- Appellate
- Asbestos
- Commercial Litigation
- Construction
- Environmental Litigation
- Indemnity & Additional Insurance
- Labor & Employment
- Mass Tort Fraud
- NCAA Compliance
- Product Liability