



## John K. Edwards

Partner, Houston

713.752.4319

[jedwards@jw.com](mailto:jedwards@jw.com)

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### Practice Areas

- Trial & Appellate Litigation

### Experience

- Arbitration
- Business Litigation
- Digital
- Employee Whistleblower & Retaliation Claims
- Entertainment Litigation
- Entertainment, Digital, & Sports
- Government Contracts & Procurement
- Healthcare Litigation
- Intellectual Property Litigation
- Labor & Employment Litigation
- Media
- Media Litigation

### Biography

John K. Edwards is a trial lawyer with over 23 years of experience and an AV/preeminent rating by Martindale-Hubbell. John represents clients in complex commercial/tort litigation and arbitrations on a national basis, focusing on media and entertainment, government procurement and contracts, and employment law.

In early 1998, barely six months after joining JW, John experienced his first federal jury trial – six weeks in Amarillo, Texas on the trial team defending Oprah Winfrey in the infamous Texas cattleman beef disparagement case. Since that time, John has had the privilege of representing many other media and entertainment clients, including OWN: The Oprah Winfrey Network, Harpo Productions, Zoco Productions, Dr. Oz, Dr. Phil, ABC Television, CBS Television, Fox Television, KTRK Television, Courthouse News Service, McGraw-Hill-Companies, John Wiley & Sons, Five Star Publications, and the Fort Bend Star.

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John has assisted clients with bid protest challenges in administrative proceedings and lawsuits in over 17 states, involving hundreds of millions of dollars.

John has also assisted clients with a variety of employment-related disputes, including alleged breaches of fiduciary duty, enforcement of non-compete agreements, misappropriation of confidential information or trade secrets, employment discrimination (race, sex, age, and disability), defamation, wrongful termination, and retaliatory discharge claims.

John's skills as a trial lawyer have allowed him to represent many global and national companies in complex commercial litigation, including ORIX USA, 3M Corporation, Exxon Corporation, UnitedHealthcare, Waste Management, Rockwater Energy, Just Energy, Team Oil Tools, the Staubach Company, Sendo (England), Amway Corporation, Cal-Maine Foods, and Howard Hughes/The Woodlands Land Development Company.

John's sole focus is achieving a favorable client outcome, however that is defined by the client. John brings value to his clients through effective advocacy skills, sound legal analysis, good judgment, and adherence to the highest standards of professionalism. John has tried numerous cases to successful verdicts for both plaintiffs and defendants, and has managed over 50 arbitration matters. John has also successfully handled appeals, having secured favorable outcomes after oral argument before the Texas Supreme Court and several intermediate appellate courts. He has resolved many more cases through early dismissal, summary judgments and favorable settlements for his clients. Click on the "Practice Experience" and "Areas of Focus" tabs for more detail.

## Education

B.B.A., Mississippi State University

- Member, Beta Gamma Sigma

M.S., Mississippi State University

J.D., *cum laude*, University of Houston Law Center

- Chief Articles Editor, *Houston Law Review*
- Intramural Moot Court Team
- Semi-finalist and Best Speaker Award  
Recipient, F. Lee Bailey National Moot Court Competition, 1997

## Bar Admissions

Texas, 1997

Florida, 2010

## Court Admissions

United States Supreme Court

United States Court of Appeals for the Fifth and Eleventh Circuits

United States District Court for the Northern, Southern, Eastern and Western Districts of Texas

United States District Court for the Southern District of Florida

United States District Court for the Eastern District of Michigan

## Practice Experience

### First Amendment & Free Speech Rights

- *Woodard v. Labrada et al.*, Case No. 5:16-cv-00189-JGB (U.S. District Court, C.D. Cal.) – Obtained stipulation of dismissal of all claims against clients Dr. Mehmet Oz, ZoCo Productions, and Harpo Productions in a high-stakes class action suit related to three episodes of *The Dr. Oz Show* that touted the generic weight loss supplements Garcinia Cambogia and Green Coffee Bean Extract. The dismissal took place after four years of litigation, without any payment of money, based on a pending anti-SLAPP motion that exposed Plaintiffs to substantial attorneys' fees.
- *Robert Flores d/b/a TxCat, et al. v. Phoenix Group Metals, LLC, et al.*, Cause No. 4:10-cv-05143, U.S. District Court, S.D. Tex (2013) – Obtained summary judgment dismissal of

Court, S.D. Tex. (2009-10, local counsel) – Obtained Order of Preliminary Injunction after evidentiary hearing on behalf of client Courthouse News Service, with the court finding constitutional violations by defendants and requiring that the Harris County District Clerk permit same-day access to new court petitions – case subsequently resolved through an Agreed Permanent Injunction with payment of attorneys' fees.

- *Dolcefino v. Harris County Sheriff's Dep't and Sheriff Tommy Thomas*, Cause No. 2008-03462, 281st District Court of Harris County, Texas – Summary judgment obtained by John on behalf of local reporter, requiring the Harris County Sheriff's Department to recover and produce over 750,000 emails and pay reporter's attorney's fees.
- *Stephens v. Dolcefino*, Cause No. 1999-43183, 215th District Court of Harris County, Texas (2007, trial team member) – Jury verdict for JW client on claims for alleged invasion of privacy and wiretap act violations stemming from investigation and publication of information regarding city official's work.
- *Brady v. Klentzman et. al.*, Cause No. 03-CV-129531, 240th District Court of Fort Bend County, Texas (2006-2007) – Twice successfully prevented the plaintiff from obtaining an order compelling disclosure of the identity of confidential sources of newspaper/reporter clients.
- *Brewer, Anthony, Middlebrook & Dunn, P.C. v. KTRK Television, Inc. and Ted Oberg*, Cause No. 2005-13331, 80th District Court of Harris County, Texas (2005) – Obtained emergency dissolution of temporary restraining order against media clients prohibiting publication of information, leading to denial of request for temporary injunction and plaintiff's non-suit of its tort-based claims.
- *Porter v. Walt Disney Co. et. al.*, and *Levy v. Walt Disney Co. et al.*, 11th and 333rd District Courts of Harris County, Texas (2004) – Obtained summary judgment in two related cases alleging breach of contract, fraud, and negligence against media clients for investigative report and broadcast.
- *Texas Disposal Systems Landfill, Inc. v. Waste Management Holdings, Inc., et al.*, Cause No. 03-03-00631-CV, 126th District Court of Travis County, Texas (2003, trial team member) – Jury verdict for JW client after four week trial finding no damages based on antitrust, fraud, defamation, and business disparagement claims.
- *Vanessa Leggett v. United States of America*, No. 01-20745 (5th 2002) – Represented the Reporters Committee for Freedom of the Press and other trade associations in filing an *amici* brief seeking reversal of a contempt award against journalist Vanessa Leggett for refusing to disclose the identity of her confidential sources.
- *Dolcefino v. Randolph*, 2001 WL 931112 (Tex. App.—Houston [14th] pet. denied) –Reversing the denial of summary judgment and rendering judgment in favor of JW clients in defamation case based on investigative report and broadcast by media clients concerning the former City Controller of Houston.
- *Paul Natkin et al. v. Oprah Winfrey, et al.*, Cause No. 99 C 5367, U.S. District Court, N.D. Ill. (Chicago) (2000, trial team member) – Settlement reached during jury trial in copyright infringement case against JW client Oprah Winfrey in federal court in Chicago.
- *Procter & Gamble v. Amway, et al.*, Cause No. H-97-2384, U.S. District Court, S.D. Tex. (Houston) (1999, trial team member) – Directed verdict for JW client Amway in suit alleging Lanham Act violations and other claims in federal court in Houston. Decision affirmed on appeal.
- *Service Corp. Int'l v. Daryl Roberts and Five Star Publications, Inc.*, Cause No. H-97-3250, U.S. District Court, S.D. Tex. (Houston) (1998) – Summary judgment in favor of clients, author Daryl Roberts and book publisher Five Star Publications, in defamation lawsuit based on statements concerning SCI in a book and made by the author during an appearance on *60 Minutes*.
- *Texas Beef Group, et al. v. Oprah Winfrey, et al.*, Cause No. 96-CV-208-J, U.S. District Court, N.D. of Tex. (Amarillo) (1998, trial team member) – Jury verdict for JW client Oprah Winfrey in defamation and product disparagement case. Verdict affirmed on appeals

## Government Procurement & Access to Public Documents

- *Humana Insurance Co. et al. v. Teacher Retirement System of Texas, et al.*, Cause No. D-1-GNL-20-002064 In the 115th District Court, Travis County, Texas (2020) – Intervened in lawsuit

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representation throughout the administrative bid protest process, JW along with the Office of the Attorney General challenged the subject matter jurisdiction of the Court. After a virtual Zoom hearing, the Court dismissed the ultra vires claims on grounds of sovereign immunity, after which TRS and JW's client executed the awarded contract.

- *United Healthcare Services, Inc. v. City of Birmingham, Alabama*, Cause No. CV-13-0499-MGG, In the Circuit Court of Jefferson County, Alabama (2013) – Filed state court action on behalf of client United Healthcare Services, Inc. (United) against the City of Birmingham, Alabama for violation of state competitive bidding laws. The lawsuit sought injunctive relief and damages based on the City's award of a contract for third-party administrative services for its self-funded health plan to incumbent Blue Cross and Blue Shield of Alabama (BCBS), which was done without following bid law requirements and after determining that United was the winning bidder under a Request for Proposal issued in January, 2013. After expedited discovery, Judge Michael Graffeo granted United's request for a preliminary injunction, which voided the contract with BCBS and required the City to bring itself into compliance with state bidding laws within six months.
- *In re: Notice of Protest of Request for Offer, Solicitation No. Q442013021298000* (Texas 2013) – Filed protest of Request for Offer, issued by Texas Department of Transportation (TxDOT) seeking an engineering software solution, on behalf of prospective bidder based on unfair bias in favor of incumbent vendor precluding open and fair competition, resulting in prompt withdrawal of the solicitation by TxDOT.
- *Blue Cross & Blue Shield of Nebraska v. Department of Admin. Svcs. of the State of Nebraska v. UnitedHealthcare Services, Inc.*, CI 12-1348, District Court of Lancaster County, Nebraska (2012) – Filed intervention to defend contract award to client against action filed by incumbent, BCBS of Nebraska, asserting right to a hearing under the Administrative Procedures Act (APA) and due process violations. After briefing and a hearing, court denied request for stay/injunction and dismissed lawsuit on grounds that APA did not apply and no protected due process interest existed.
- *UnitedHealthcare Services, Inc. v. Louisiana Office Of Group Benefits*, Louisiana Division of Administration (2011) – Successfully prosecuted an administrative bid protest challenging award of a major state health insurance contract to competitor of client. Although the procuring agency denied the protest, on appeal the Louisiana Division of Administration reversed and held that the procurement must be canceled and re-bid due to errors in the solicitation.
- *State Insurance Services, Inc. et al. v. North Carolina Dep't of State Treasurer, et al.*; No. 11 DST 0831, North Carolina Office of Administrative Hearings (2011) – Intervened in administrative bid protest action to challenge award of third-party administration and benefits contract to competitor of client, resulting in a favorable settlement and extended contract for client.
- *UnitedHealthcare Insurance Company v. State of Louisiana et al.*, No. 590076, Sec. 24, In the 19th Judicial District Court, Parish of East Baton Rouge, Louisiana (2010) – Filed administrative and court actions to challenge award of contract to competitor of client. After the administrative process failed to correct the procurement irregularities, the matter was taken to court. The result was a judicial ruling that the Louisiana Office of Group Benefits had illegally awarded the contract, requiring the contract to be rescinded.
- *In re Solicitation No. EPS090040-A10: Employee Benefits—Health*; Arizona Department of Administration (2009) – Filed bid protest petition to challenge bid submission and evaluation process undertaken pursuant to an RFP seeking administrators of various aspects of the Arizona health benefit plan, resulting in a reversal of the adverse contract award and ultimately a new four-year contract for client.
- *In re: UnitedHealthcare Insurance Company*, 2009-HCA-001; Washington Office of Administrative Hearings (2009) – Obtained summary judgment from Administrative Law Judge in formal bid protest proceeding on behalf of client, resulting in cancellation of the Washington Healthcare Authority's erroneous contract award to a competitor of client and an order to re-bid the health plan administration contract.
- *UnitedHealthcare Insurance Company v. The School District of Palm Beach County, Florida*, Division of Administrative Hearings, State of Florida (2009) – Decision by school board to award district health plan administration contract to competitor of client rescinded after filing of bid

- *UnitedHealthcare of Georgia Inc., et al. v. Georgia Department of Community Health*, 293 App. 84, 666 S.E.2d 472 (Ga. App. 2008) – Obtained favorable ruling from appellate court reversing in part an order of summary judgment, holding that client's documents could be subject to trade secret protection under the Georgia Open Records Act. Upon renewed motion after remand, the trial court judge granted client a complete summary judgment in May 2010, holding that all documents at issue constituted trade secrets exempt from public disclosure.

## Managed Care Litigation

- *Hematology & Oncology Specialists, LLC et al. v. UnitedHealthcare of Louisiana, Inc.*, Cause No. 2006-10447, in the District Court for the Parrish of St. Tammany, Louisiana (2012) – Obtained order of dismissal and referral to arbitration, leading to favorable settlement for client in dispute over alleged carrier underpayments to provider group.
- *American Surgical Assistants, Inc. v. UnitedHealthcare of Texas, Inc. et al.*, Cause No. 2009-774, S. Dist. Court, S.D. Tex. (2010), and *American Surgical Assistants, Inc. v. PacifiCare of Texas, Inc.*, Cause No. 2009-3519, in the 190th District Court, Harris County, Texas (2010) – Negotiated favorable settlement agreements in two lawsuits with a non-contracted surgical assistant provider group alleging denial and underpayment of claims.
- *Sarasota County Public Hospital Board v. UnitedHealthcare Insurance Company*, AAA No. 32 187 Y 00412 09, Sarasota County, Florida (2010) – Obtained dismissal of arbitration after negotiation of agreement favorable to client related to payment of claims.
- *The Greater Houston Neurosurgical Center v. UnitedHealthcare Insurance Company*, Cause No. 2008-2643; S. Dist. Court, S.D. Tex. (2009) – Obtained favorable settlement and dismissal of lawsuit alleging underpayment of claims to non-contracted service provider.
- *The Medical College of Georgia Physicians Practice Group Foundation v. UnitedHealthcare Insurance Company*, AAA No. 30 195 00122 07, Fulton County, Georgia (2007) – Negotiated favorable settlement of claims by hospital-based physician practice group against carrier for alleged breach of network participation agreement.
- *Western Medical, Inc. v. Evercare of Arizona, Inc.*, AAA No. 76 193 00219 04, County of Maricopa, Arizona (2006) – Obtained summary judgment dismissal of arbitration brought by hospital against client asserting improper denial of claims related to state health plan.
- *Northside Hospital, Inc. v. UnitedHealthcare of Georgia, Inc.*, AAA No. 30 193 00013 06, Fulton County, Georgia (2006) – Negotiated favorable settlement agreement related to claims of breach of contract asserted by hospital facility against insurance company.

## Employment

- *Reef Services, LLC et al. v. Bair et al.*, Cause No. 12-cv-02765, U.S. District Court, S.D. Tex. (2012) – Negotiated favorable settlement agreement after entry of a Temporary Restraining Order and Preliminary Injunction directed at client's former employee for conduct in violation of non-compete and confidentiality provisions of employment contract. Agreed Permanent Injunction entered.
- *Adrienne D. Martin v. First Transit, Inc.*, Cause No. H-07-1347, U.S. District Court, S.D. Tex. (2008) – Summary judgment granted for JW client in discrimination and workers' compensation retaliation case.
- *Richardson v. University Carwash*, Cause No. 2004-68671, 295th District Court of Harris County, Texas (2007) – Obtained defense verdict for client in pregnancy discrimination jury trial.
- *Thomas v. ABC, Inc. and KTRK Television, Inc.*, Cause No. H-03-3825, U.S. District Court, S.D. Tex. (Houston) (2004) – Summary judgment rendered for JW clients in age discrimination case brought by former employee.
- *Fundacion Guacamaya, et al. v. Anadarko Petroleum Corp., et al.*, Cause No. 2002-37874, 295th District Court of Harris County, Texas (2004) – Obtained summary judgment for JW client, The Terra Group, a public affairs consulting company, based on allegations that an internal stakeholder analysis report commissioned by Anadarko defamed the plaintiff.
- *Tim Pennington v. Clearworks Technologies, Inc. and James W. Walters*, Cause No. 98-34190-



## Recognition & Accolades

- AV Preeminent, Martindale-Hubbell
- "Super Lawyers – Rising Stars," *Super Lawyers* by Thomson Reuters, 2007

## Publications & Speeches

- Author, "The First Amendment and Social Media Commentary," JW Insights (2018)
- Co-Author, "Texas Supreme Court Rules in Favor of Jackson Walker Media Clients in Important Free Speech Case," JW Insights (2017)
- Co-Author, "Jackson Walker Wins Important Appellate Victory for Clients in Media Defamation Case," JW Insights (2014)
- Presenter, "Litigating an Open Records Dispute With the Attorney General or the Governmental Agency" (2008)
- Presenter, "Defamation in the Workplace and Update on Employee Blogging" (2009)
- Presenter, "Defending Free Speech: Claims and Defenses Implicating the First Amendment" (2009)
- Co-Author of several annual surveys of law for the Media Law Resource Center (MLRC), including the Survey of Texas Employment Defamation Law, the Fifth Circuit Survey of Privacy and Claims Against the Media, and the Media Privacy and Related Law survey.
- Author, "Should There Be Journalist's Privilege Against Newsgathering Liability?" *ABA Communications Lawyer* (Spring 2000)
- Author, "Supreme Court Strikes Down Federal Ban on Broadcast Advertising of Casino Gambling" *ABA Communications Lawyer* (Winter 2000)
- Co-Author, "Restraints on Speech," 28th Annual Advanced Civil Trial Course (Texas, 2005)
- Co-Author, "Libel and Slander," Houston Bar Association CLE seminar (2000)
- Co-Author, "Tips on Picking and Courting a Jury in a High Profile Case – A Defendants Perspective," State Bar of Texas CLE (2001)
- Co-Author, "Focusing the Case: Focus Groups and Mock Juries," 21st Annual Advanced Civil Trial Course (Texas, 1998)
- Author, "A Prisoner's Threshold for Procedural Due Process After Sandin v. Connor: Conservative Activism or Legitimate Compromise?" *Houston Law Review* (1997)

## Community Involvement

- State Bar of Texas
- State Bar of Florida
- Houston Bar Association
- American Bar Association
- Freedom of Information Foundation of Texas
- First Amendment Institute, Leadership Program Class
- Media Law Resource Center, Employment Law Committee
- ABA Media, Privacy, and Defamation Law Committee Insurance Task Force
- Houston Bar Association Law and Media Committee, 2006-2007
- Texas Association of Broadcasters
- Texas Press Association