

### Sheppard Mullin Recognized Among *Daily Journal's* “Top Verdicts” of 2024

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*MGA Entertainment Inc. v. Harris et al.* was named one of the “Top Verdicts in 2024” by the *Daily Journal*. Houston Office Managing Partner John Keville led a Sheppard Mullin team consisting of Chante B. Westmoreland, Robert Green and Michelle Replogle that successfully represented hip hop moguls T.I. and Tameka “Tiny” Harris in an IP infringement dispute with toy manufacturer MGA Entertainment.

In this high-profile case, the OMG Girlz, a group formed by the Harrises, sent MGA a cease-and-desist letter asserting that MGA’s OMG dolls, which bore a striking resemblance to the clothing, accessories and hairstyles of the Harris’ OMG Girlz group, unfairly used their trade dress and rights of publicity. MGA immediately filed suit, seeking declaratory judgements of invalidity and non-infringement.

The team’s hard-fought win followed a mistrial, an intervening U.S. Supreme Court Opinion and ultimately, three jury trials. Chante Westmoreland, who had been involved in the first trial at her prior firm, brought the case with her to Sheppard Mullin. The firm was retained to represent the Harrises in their second trial following an initial mistrial.

Despite the team’s arguments, the jurors for the second trial applied the Rodgers test to the case, a standard that raises the burden of proof for plaintiffs or counterclaimants, leading them to find for MGA. However, after the U.S. Supreme Court decided *Jack Daniel’s Properties Inc. v. VIP Products LLC*, which limited the use of the Rogers test in such cases, a third trial was ordered.

Keville and his team then successfully attacked the credibility of MGA’s expert witness, undermining his claim that there was no likelihood of confusion between the dolls and the Harris’ OMG Girlz. At the close of the third trial, the jury determined that MGA must pay damages of \$71.5 million, consisting of \$17.8 million in lost profits and \$53.6 million in punitive damages—notably, an award based solely on counterclaims. The punitive portion of the award was initially rejected by the judge but then restored to the original sum, resulting in a complete win for the Harrises.

“The case really came down to credibility,” said Chante Westmoreland in the *Daily Journal*. “Our clients simply told the truth, and our team did a great job of pointing that out when the witnesses on the other side were not on cross examination.”

Keville credited the tenacity of Tameka Harris as a client “willing to fight and go the distance.” He added, “Notably, this case had a defense verdict because MGA and its billionaire owner sued Ms. Harris and the OMG Girlz, in specific trade dress they had used through the years, forcing the OMG Girlz to counterclaim.”

## Attorneys

Robert Green

John Keville

Michelle Replogle

Chante B. Westmoreland

## Practice Areas

Intellectual Property

Trademarks and Trade Dress

## Industries

Entertainment, Technology and Advertising

Retail, Fashion & Beauty