STARNES DAVIS FLORIE LLP

H. Thomas Wells, III (Trey)

CHIEF STRATEGY PARTNER

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ABOUT TREY

Trey's practice is devoted to civil litigation with a primary focus on complex business litigation, professional liability, mass torts, and appellate advocacy. He has represented both plaintiffs and defendants in a variety of business disputes. He routinely advises his business clients prior to disputes arising, to reduce the likelihood of litigation and craft creative solutions to problems. When litigation does arise, however, Trey is committed to aggressively representing his clients' interests to achieve the best possible results.

Legal Assistant

Racheal Gironda
rgironda@starneslaw.com

Areas of Practice

- Accounting Malpractice
- Antitrust
- Commercial Disputes
- Complex Litigation
- Contract / Non-Compete
- Energy & Environmental
- Energy, Natural Resources & Land Use
- Governmental
- Mining & Mineral Law
- Products Liability
- Professional Liability
- Workers' Compensation

EDUCATION

J.D., University of Alabama School of Law (2005)
B.A., Wake Forest University (2001)

BAR ADMISSIONS

Alabama

COURTS

U.S. Court of Appeals, 11th Circuit
U.S. District Court, Middle District of Alabama
U.S. District Court, Northern District of Alabama
U.S. District Court, Southern District of Alabama

ACCOLADES

Chambers TOP RANKED USA 2026 Starnes Davis Florie LLP

H. Thomas Wells Best Lawyers Lawyer of the Year 2019 Mass Tort Litigation / Class Actions - Defendants Birmingham, Alabama

Litigation Star Benchmark Litigation

PROFESSIONAL RECOGNITION

Selected to participate in the Alabama Bar's Leadership Forum program as a member of the 2012 class.

Listed in Best Lawyers in America®. In addition, Best Lawyers in America® has named Trey Wells the "Birmingham Best Lawyers Mass Tort Litigation / Class Actions - Defendants Lawyer of the Year" for 2019.

Recognized as a leading litigation attorney under 40 years of age in Benchmark Litigation's annual Under 40 Hot List.

Named a top Leading Litigator by Chambers USA.

Named a "Litigation Star" for the state of Alabama in Benchmark Litigation.

Named a Super Lawyer for the state of Alabama by Mid-South Super Lawyers magazine.

Named a Rising Star for the state of Alabama by Mid-South Super Lawyers magazine.

Appointed to serve as Editor-In-Chief of the American Bar Association's Tort Trial and Insurance Practice Section Law Journal for the 2012-2013 and 2013-2014 fiscal years.

Selected and served as an Editor for the Alabama Law Review as a student at the University of Alabama School of Law.

EXPERIENCE HIGHLIGHTS

Lead counsel in a landmark jury trial victory for Drummond Company, Inc. and one of its subsidiaries in long-running, high-profile litigation in the U.S. District Court for the Northern District of Alabama. The dispute originated from allegations that defendant Terrence P. Collingsworth made false and defamatory statements accusing Drummond of involvement in human rights abuses in Colombia, including hiring paramilitary groups to commit scores of murders. Drummond discovered that Collingsworth and his associates, while representing hundreds of plaintiffs in prior Alien Tort Statute actions against Drummond, paid hundreds of thousands of dollars for the benefit of witnesses (many imprisoned in Colombia, South America) who testified against Drummond. After this evidence came to light in the defamation suit, Drummond filed a second suit alleging violations of the Racketeer Influenced and Corrupt Organizations Act (RICO). Both cases proceeded to a consolidated trial. The trial lasted for 6 weeks beginning December 1, 2025, and resulted in a substantial verdict in Drummond's favor, with the jury awarding $68 million on the RICO claims, plus $26 million in compensatory damages and $26 million in punitive damages on the defamation claim. After trebling under RICO statutes, the total award reached $256 million. This verdict is the largest federal jury award in the history of Alabama. The multi-year case centered on complex legal and factual issues, including alleged witness bribery, obstruction of justice, money laundering, extortion, and spoliation of evidence. It also involved numerous interlocutory appeals to the Eleventh Circuit, including one which resulted in a published opinion regarding the crime-fraud exception to privilege (Drummond Co. v. Conrad & Scherer, LLP, 885 F.3d 1324 (11th Cir. 2018)).

Currently representing approximately 50 corporate entities and their affiliates, including multiple Fortune 100 companies, that are pursuing federal antitrust claims after opting out of a $2.7 billion class action settlement in *In re: Blue Cross and Blue Shield Antitrust Litigation (MDL No.: 2406)*, 2:13-cv-20000-RDP (N.D. Ala.).

Secured the complete dismissal of a data breach class action against a long-term care facility. The dismissal was affirmed by the Alabama Supreme Court, resulting in the first published Alabama appellate court opinion in the data breach area.

Obtained full summary judgment in favor of our clients, an oncology practice, its President, and one of its physicians, dismissing claims of defamation and wantonness.

Obtained a jury verdict worth more than $50 million in favor of a multinational corporation against one of the three largest railroad companies in the United States in a dispute involving a long-term contract for rail transportation. Argued the appeal before the 4th Circuit Court of Appeals, resulting in a complete affirmance of the judgment.

Secured an $8.3 million dollar judgment in favor of a multinational corporation in a case involving a contract for port throughput capacity and the international export of metallurgical coal. The case was tried in the Northern District of Georgia, and the judgment was affirmed on appeal in a published opinion, *Southern Coal Corp. v. Drummond Coal Sales, Inc.*, 28 F.4th 1334 (11th Cir. 2022), in which the appellate court also found that our client was entitled to attorneys' fees and litigation costs in addition to the judgment amount.

Recently won an arbitration involving a claim against an accounting firm for allegedly breaching the standard of care. The claimant was seeking in excess of $7 million in damages.

Secured a multimillion dollar judgment in favor of a multinational corporation in a case involving a contract for port throughput capacity and the international export of metallurgical coal.

Secured the dismissal of a federal RICO lawsuit seeking more than $100,000,000 in damages from eleven defendants that included both corporate entities and individuals.

Obtained complete summary judgment in favor of accounting firm and two of its accountants on claims brought by a property developer arising out of the alleged mishandling of a multi-million dollar tax deduction for a conservation easement.

Won a jury trial in favor of an investment consulting firm and its affiliated companies in a case involving claims of violation of the Alabama Trade Secrets Act, conspiracy, and breach of fiduciary duty brought by a competitor company seeking in excess of $7 million in damages.

Obtained a verdict worth more than $2.5 million for four limited liability companies as the plaintiffs in a breach of contract action arising out of the sale of three industrial facilities in Mississippi.

Obtained complete summary judgment in favor of a multinational corporation and its executives on claims arising under the Alien Tort Statute, the Torture Victims Protection Act, and Colombian wrongful death law premised on the deaths of three Colombian labor union leaders.

Obtained complete summary judgment in favor of a multinational corporation and its executives in a mass tort action involving claims of more than 600 Colombian citizens arising under the Alien Tort Statute, the Torture Victims Protection Act, and Colombian wrongful death law.

Obtained complete summary judgment on a breach of contract counterclaim brought against a multinational corporation wherein over $100 million in damages were sought.

Obtained full summary judgment and affirmance by the Alabama Supreme Court in favor of a municipality in a suit by private businesses alleging several million dollars in flood losses arising out of the flooding of a natural creek allegedly due to the municipality's improper maintenance of the creek.

Has represented and is currently representing several accounting firms in defense of claims of professional liability.

PRESENTATIONS AND PUBLICATIONS

H. Thomas Wells, III, Patricia A. Sexton, Alison P. Lungstrum, and Ashley Hawkinson, "Recent Developments in Products, General Liability, and Consumer Law," *Tort Trial & Insurance Practice Law Journal*, Vol. 45:2, Pages 517-542 (Winter 2010).

H. Thomas Wells, III, "Wyeth v. Levine, a Summary: Foreshadowing an End to the Doctrine of Implied Pre-Emption?", *ABA Tort & Trial Insurance Practice Section Committee News: Products, General Liability, and Consumer Law Committee* (Spring 2009).

Patricia A. Sexton, Kimela R. West, Lynn G. Trevino-Legler, H. Thomas Wells, III, and Franklin H. Turner, III, "Recent Developments in Products, General, and Consumer Liability Law," Tort Trial & Insurance Practice Law Journal, Vol. 44:2, Pages 653-678 (Winter 2009).

Whose Ditch is it Anyway? An Analysis of Municipal Flood Liability, CLE Speech at the Alabama Association of Municipal Attorneys Midyear Law Conference, October 13, 2007.

H. Thomas Wells, III, "I Saw the Light! Electronic Billboards and Sign Regulation", *Birmingham Bar Association Bulletin*, Vol. 28, Issue 2 (Summer 2007).

COMMUNITY INVOLVEMENT

- Trey serves as a member of the Alabama – Mississippi Chapter of the National Multiple Sclerosis Society and was named to the Birmingham MS Leadership Class for 2012.
- He, his wife, and two children are members of St. Luke's Episcopal Church.

DISCLAIMER: The following language is required by the Alabama Rules of Professional Conduct: No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.