

CASE STUDIES

Bench Trial Victory for Contractor

Construction Litigation

Client: Soil stabilization contractor

Type of case: Construction litigation

Court: Federal District Court, Eastern District of Louisiana

Length of trial: Two weeks

Amount in dispute: Approximately \$45 million

The plaintiff alleged that our client, a soil stabilization contractor, had improperly constructed foundation elements that formed part of a shipyard being built in southern Louisiana. Our client counterclaimed that the plaintiff improperly failed to pay for certain foundation work.

The case went to a two-week federal bench trial in 2013, at the end of which the plaintiff requested \$45 million in damages. Following extensive post-trial briefing, the court rejected the plaintiff's claim for defective work and awarded our client 100 percent of the counterclaim, minus a \$375,000 mobilization credit to the plaintiff. The court further awarded pre-judgment interest at a rate of 18 percent annually, back to May 2009. After an unsuccessful appeal to the U.S. Court of Appeals for the Fifth Circuit, the plaintiff paid our client more than \$1.8 million. Our client was thrilled with the result.