

Press Release

Akerman Wins Jury Verdict in Texas Construction Case

July 17, 2023

We are pleased to announce that Akerman attorneys Wes Davis and Michael Hess have successfully represented general contractor Venture Engineers and Builders in obtaining a jury verdict regarding a dispute over payment for construction of a commercial building in Frisco, Texas.

A jury unanimously ruled in Venture's favor on May 18, awarding \$100,000 for the owner's breach of contract and more than \$390,000 for quantum meruit, which may be awarded under Texas law for services rendered for which a general contractor was not compensated. Venture also recovered all of its attorney's fees associated with the lawsuit in a post-verdict settlement.

In 2016, after completing approximately 90 percent of the 12,000 square foot building, Venture left the job due to persistent non-payment. Venture demanded payment for the balance of its work and filed a mechanic's lien on the property in its effort to get paid. In response the building owner sued Venture, alleging that Venture owed damages in excess of \$500,000 for alleged delays and problems with Venture's work. Venture counterclaimed, seeking payment for the balance of its work before Venture left the project. On behalf of Venture, the Akerman team obtained summary judgment rulings dismissing each of the owner's affirmative claims prior to trial. During the week of May 15, 2023, the

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Akerman team presented Venture's affirmative claims in a jury trial in Collin County, Texas. Despite the dismissal of its affirmative claims, the owner maintained at trial that the jury should offset any award to Venture by the owner's (now-dismissed) damage claims. The Akerman team successfully obtained a directed verdict dismissing the majority of the owner's offset allegations and removing those defenses from the jury charge.

A partner in Akerman's Dallas office, Davis is well respected across the state for his work representing owners and contractors through every phase of litigation. He is particularly experienced in evaluating and resolving multi-party disputes through contractual negotiation and enforcement. He has extensive appellate experience, arguing more than a dozen appeals in appellate courts throughout Texas, as well as in the Fifth Circuit Court of Appeals.

Hess is also based in Dallas where he represents a variety of clients, including general contractors, insurance agents, and real estate agents, in complex litigation. He also represents clients in compliance matters pertaining to ERISA, HIPAA, COBRA, the Affordable Health Care Act, the Internal Revenue Code, as well as employment law and state and local laws.