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VERDICTS & SETTLEMENTS

Court awards defendants \$429K in attorneys' fees and costs

Defense Verdict

Plaintiffs brought a three-count complaint seeking \$2.7 million related to purchase of a business from defendants. Claims included breach of contract and fraud in the inducement. Plaintiffs also sought recovery of attorneys' fees pursuant to the parties' contract. Defendants counterclaimed for breach of the release provision in the contract, and sought attorneys' fees and costs pursuant to the fee shifting provision in the contract.



SIMPSON



BYRNE



WARE



STENZHORN

After a four-day trial that included plaintiffs calling as a witness a retired federal judge to testify as to plaintiff's credibility, the jury returned a verdict against plaintiffs and in favor of defendants on their

counterclaim. Claims related to attorneys' fees and costs were bifurcated, and the court proceeded to award defendants \$394,607.50 in attorneys' fees and \$35,000 in costs.

[15-T-176]

Type of action: Contract

Injuries alleged: \$2,700,000 in lost profits and lost bonuses; punitive damages of \$350,000 for fraud

Name of case: Overseas Consulting Services LLC v. BlueForce Inc.

Court: Albemarle County Circuit Court

Case no.: CL13-605

Tried before: Jury

Judge: Cheryl V. Higgins

Date resolved: Sept. 17, 2015

Verdict or settlement: Defense verdict

Attorneys for defendants: John B. Simpson and Robert E. Byrne Jr., Charlottesville; Michael B. Ware and Robert P. Stenzhorn, Yorktown

Attorneys for plaintiffs: David W. Thomas and Jordan E. McKay Jr., Charlottesville

Defendants' experts: Eileen C. Gwaltney, accounting, Norfolk; James W. Barkley, attorney's fees; Charlottesville

Plaintiffs' experts: Robert Thompson, accounting, Charlottesville; William U. Henderson, business valuation, Charlottesville; Edward J. Schmitz, accounting, Charlottesville