

# CASE STUDIES

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## Successfully Defended Energy Client in Breach of Contract Trial

### Breach of Contract Litigation

**Type of case:** Breach of contract

**Court:** United States District Court, Eastern District of Nebraska

**Length of trial:** Two days

**Amount in dispute:** Approximately \$6.5 million

**Result:** Defense verdict

We successfully defended our ethanol marketing client at trial in federal district court after the court found as a matter of law on summary judgment that our client had breached the parties' contract by failing to offer the plaintiff a right to cure its default prior to terminating the agreement. We creatively argued that the breach did not cause the plaintiff damages – a required element of the breach of contract claim. On summary judgment, the court found an issue of fact as to causation.

After a bench trial on that issue, the district court ruled in our client's favor, finding that the failure to offer a right to cure did not cause the plaintiff damages, because the party that had such right had actual knowledge of the default otherwise and took no action. The court therefore entered judgment in our client's favor, saving the client approximately \$6.5 million. The Eighth Circuit Court of Appeals affirmed.