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VERDICTS
of 2009



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BP breached contract in sale of chemical plant

VERDICT **\$41,688,648**

CASE Flint Hills Resources LLC v. BP Amoco Chemical Co.

COURT U.S. District Court for the Northern District of Illinois, Chicago, IL

PLAINTIFF ATTORNEYS James R. Figliulo (lead), Ryan P. Stiles, Marc S. Porter, Thomas D. Warman, Sara A. Pagua, Figliulo & Silverman, P.C., Chicago, IL; Susan M. Franzetti, Nijman Franzetti, L.L.P.; Dean Kuckelman, Flint Hills Resources, L.L.C., Wichita, KS

DEFENSE ATTORNEYS Richard C. Godfrey (lead), Scott W. Fowkes, Hariklia Karis, Drew G.A. Peel, Erica B. Zolner, Kirkland & Ellis LLP, Chicago, IL

FACTS & ALLEGATIONS Plaintiff Flint Hills Resources LLC purchased a chemical plant in Joliet, Illinois from defendant BP Amoco Chemical Company for over \$300 million. Flint Hills claimed that BP breached the purchase contract and warranties and committed fraud in connection with the sale.

BP warranted that the plant assets were in substantially good operating condition for their age and had been maintained in accordance with normal industry practices, and that the plant had the capacity to produce certain quantities of three chemicals.

RESULT The jury returned a verdict in favor of Flint Hills on the breach of contract claim in the amount of \$41,688,648, based on breaches of the condition-of-assets and production capacity representations. The jury did not find fraud. The Court also held that Flint Hills was entitled to recover its fees and costs.

TRIAL DETAILS Trial Length: 8 weeks
Trial Deliberations: 1 week
Jury Vote: 12-0

Jury rejects reliance on zoning restrictions in condemnation case

VERDICT FOR OWNER **\$25,000,000**

CASE Village of Evergreen Park v. Anna Mae Ahern

COURT Circuit Court of Cook County, IL

VILLAGE'S ATTORNEYS Vincent Pinelli (lead), Amanda Ripp, Burke, Burns & Pinelli, Ltd., Chicago, IL

OWNER'S ATTORNEYS James R. Figliulo (lead), Carl A. Gigante, Figliulo & Silverman, P.C., Chicago, IL

FACTS & ALLEGATIONS The plaintiff Village filed an eminent domain action to condemn a 95-acre parcel including a golf course in Evergreen Park, on the border of Chicago, owned by a resident who was 101 years old at the time of trial.

The Village claimed the property had limited value due to significant zoning restrictions. Because the property was zoned for open space, the Village argued it was unlikely the property could be used for anything more than a golf course or low-density residential purposes. The Village presented expert testimony and argued that the value of the property was \$4.5 to \$6 million.

The owner contended there was a reasonable probability of rezoning to a more intense commercial and residential classification. The owner presented expert testimony and argued that the value of the property was between \$24.5 and \$25 million.

RESULT The jury awarded the property owner \$25 million. The Village had offered \$6.2 million for the property prior to trial.

TRIAL DETAILS Trial Length: 7 days
Trial Deliberations: 20 minutes
Jury Vote: 12-0