KT Client Success: $1.15 Million Top Verdict Affirmed

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KILPATRICK TOWNSEND

KT CLIENT SUCCESS

$1.15 Million Top Verdict Affirmed

The Texas appellate court recently affirmed the May, 2016, trial defense and counterclaim verdict achieved by Kilpatrick Townsend partner Patrick Carew, along with co-counsel for a commercial dispute over an Office Sharing Agreement (Agreement). After more than a decade of sharing a medical office, Michelle Chesnut, M.D.P.A., and Kilpatrick Townsend client Julye Carew, M.D.P.A., were sued by another physician Howard Mintz, M.D. over an alleged breach of their Agreement. After Chesnut and Carew terminated the Agreement under its terms, Mintz claimed Chesnut and Carew were obligated by the Agreement's non-compete clause and buyout provision, and further alleged that Chesnut and Carew fraudulently induced Mintz to amend the Agreement shortly before terminating it.

Mintz sued Chesnut and Carew for a litany of contract and fraud claims with alleged damages greater than $1 million. Mintz also filed a temporary restraining order, seeking to enforce the Agreement's non-compete clause, which would effectively prohibit Chesnut and Carew from practicing medicine at Presbyterian Hospital. Dallas Partner **Patrick Carew**, along with Paralegal **Shannon Van Vickle** and co-counsel engaged by Chesnut, persuaded the court to deny the TRO and allow Chesnut and Carew to continue practicing medicine and to occupy the shared office space pending trial.

Chesnut and Carew counter-sued for their ownership share of the office equipment and leasehold improvements. Before trial, the court granted summary judgment, disposing of Mintz's breach of contract claims against Chesnut and Carew. After two jury trials (due to an unusual bifurcation), Patrick and his co-counsel secured a jury verdict of no liability for client Carew and a counterclaim verdict for damages and fees totaling $1,155,037.

Texas Lawyer magazine named the high-profile verdict its "#1 Business Law Verdict of 2016."

For more information, please contact:

Patrick Carew at pcarew@kilpatricktownsend.com

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