



## Spencer Fane Team Secures Arbitration Win in Texas

A Spencer Fane team, led by attorneys [Davis Bradford](#), [Fred Johnson](#), [Kim Kerns](#), [Brian Poldrack](#), and [Natalie Washington](#), as well as paralegal **Chalice Hornsby**, successfully represented a leading manufacturer of severe service isolation and control ball valves for specialty industries in a difficult and lengthy arbitration process and hearing.

The case involved the design, construction, and commissioning of five large refining modules destined for India. This construction project was both behind schedule and seriously over budget. In February 2023, the firm's client was prevented by the construction contractor from taking delivery of the two remaining refining modules that were due to the client's customer in India claiming it was owed nearly three times its original bid price.

After a pre-suit mediation, the construction contractor initiated arbitration against the firm's client, seeking nearly \$12 million in combined damages, costs, and fees. The case required analysis of nearly every aspect of the project involving engineering, construction, labor rates and costs, extra work, delay accounting, and detailed quantification of damages and costs.

The multidisciplinary team reviewed and assimilated more than a million pages of documents, handled seven experts in various disciplines, took and defended 17 depositions, and fought a large "blue chip" firm with talented lawyers as opposing counsel. In addition, the group fought against the natural tendency to think arbitrators "split the baby" and some healthy skepticism because many of the client's witnesses were no longer with the company to tell the full story.

After a four-day final hearing with almost 20 witnesses and hundreds of exhibits, the three-arbitrator panel declared the firm's client as the prevailing party and awarded

more than \$1.2 million in attorneys' fees and arbitration costs.

The Spencer Fane team also included **Tye Burger**, [Leslie Witterschein](#), and the full e-discovery team.

From fast-moving injunction proceedings to fact-intensive commercial disputes, the Spencer Fane Litigation and Dispute Resolution team is poised to address the full range of litigation risks that our clients might encounter. Our attorneys are thoughtful and aggressive advocates who regularly obtain victories in state and federal courts, as well as at arbitration and mediation.