

## Verdicts & Settlements

# Excessive energy costs prompt company to terminate contract

Expert testifies that simple adjustments would have solved HVAC's problems

**\$194,910**

In a breach-of-contract lawsuit filed in Oakland County Circuit Court, plaintiff Oakland Euro, LLC sought damages from defendant Systemp Corp., claiming excessive office building energy costs stemming from faulty maintenance of the heating and air conditioning (HVAC) system.

Systemp filed a counterclaim, contending that Oakland Euro owed money on the contract.

For five years, Systemp was under contract for HVAC maintenance at Oakland Euro's Auburn Hills office building. Systemp initially recommended changes that resulted in energy-cost reductions.

Shortly after that, however, energy costs began to increase, continuing until Oakland Euro replaced Systemp in 2009. Oakland Euro's new HVAC maintenance contractor made adjustments to the system that resulted in substantial energy savings.

At trial, plaintiff elicited testimony from plumbing-heating-air



**BLEVINS**

expert Richard Springer, who described the relatively simple adjustments that resulted in the energy-cost savings. In addition, the jury was presented with an analysis of plaintiff's energy bills, showing a

substantial decline in energy costs following the replacement of the maintenance contractor.

Electronic presentation of evidence, including bar charts of energy costs and dynamic document excerpts, substantially assisted in the simplification of complex mechanical and financial issues.

It also was asserted that defendant's personnel purportedly checked the relevant system settings, but failed to identify the improper calibration.

Though the jury found for the plaintiff and awarded \$198,728, the jury also found for the counter-plaintiff for money owed on the contract and set off \$11,321 from the award, but added pre-judgment interest of \$7,503, making the total award \$194,910.

At judgment, the court awarded \$50,000 to plaintiff in costs and fees.

**Type of action:** Breach of HVAC maintenance contract

**Type of injuries:** Excessive office building energy costs stemming from faulty maintenance

**Name of case:** *Oakland Euro, LLC v. Systemp Corp.*

**Court/Case no./Date:** Oakland County

Circuit Court; 10-107209-CK; April 15, 2011

**Tried before:** Jury

**Name of judge:** James M. Alexander

**Demand:** \$200,000

**Verdict amount:** \$194,910

**Special damages:** \$50,000 in case evaluation sanctions

**Most helpful expert:** Richard Springer, plumbing-heating-air expert, Clarkston

**Attorneys for plaintiff/counter-defendant:** Don W. Blevins, Mark L. McAlpine

**Attorney for defendant/counter-plaintiff:** John B. Farrell