

Breach of Contract – Negligence

SERVICES

Business Litigation

RELATED ATTORNEYS

Michael P. Johnson

December 21, 2018

Attorney Michael Johnson and Attorney Joseph Mendes of Boyle | Shaughnessy Law recently obtained a defense verdict after a 5-day jury trial in York County Superior Court (Alfred, Maine). The case involved breach of contract and negligence claims as a result of a significant freeze-up and water damage to two high end condominiums in Kittery, Maine. The plaintiff, a Condominium Association, alleged that the defendant partially delivered propane to one propane tank to heat one unit and failed to deliver at all to a tank for the second unit. As a result, plaintiff claimed that both units ran out of propane, lost heat and several pipes froze in January of 2014. Plaintiff alleged that pipes burst in both units and thus caused significant water damage throughout both units. Attorneys Johnson and Mendes were able to rebut the plaintiff's claims and show that there was a possible alternative theory for the loss, namely a cold air source near one of the pipes and the fact that their client delivered within a time window called for by all the data including degree days and k-factor.

The plaintiff alleged that as a result of this incident that it suffered damages close to \$400,000.

A total of 10 witnesses, including liability and damage experts testified in the matter. After three hours of deliberation, the jury returned a verdict in favor of the defendant.