



with less than a week to go till trial...

September 21, 2016

With six days before Amber Resources, LLC v. Roadrunner Management Services, Inc. was scheduled for trial by jury, MSK partner Steve Foster took the situation from an indefinite case with significant exposure to the client to an all-out complete victory for the client.

In response to what started as a simple collection case for \$57,607.99 in unpaid fuel owed to the firm's client, Amber Resources, the defendant (Roadrunner Management Services) cross-complained for damages exceeding \$4 million claiming that Amber contaminated more than 30 of its public transit buses during Amber's nightly refueling of the buses.

With less than a week to trial, Amber lost confidence in its counsel. On the recommendation of former MSK associate Jason Krischer, Amber requested that Steve represent it at trial. With the client understanding that Steve would have to work with the limited discovery conducted in the case and could not predict the outcome, which looked bleak, Steve jumped-into the case and immediately secured insurance defense coverage for the client. Thereafter, Steve and the carrier's appointed counsel conducted extensive discovery including taking 10 depositions in three days shortly before trial.

At trial, Steve won each of his motions in limine, striking all of Roadrunner's affirmative defenses to Amber's complaint, excluding dozens of belatedly produced documents and nearly 200 undisclosed potential witnesses, and knocking the counter claims down to \$1.6 million after a long Evidence Code 402 hearing.

After 15 days of trial, the case went to the jury. 15 minutes later, the jury sent the Court a question inquiring whether they could award Amber interest and attorneys' fees. 5 minutes after being informed by the Court that "no such calculations should be done," the jury inquired whether they could award the firm's client more than the \$57,607.99 owed. When told yes by the Court, the jury figured out a way to add a contractual service charge of 18% interest. 30 minutes after commencing deliberations, the jury returned its verdict in favor of Amber on each of its claims against Roadrunner and Roadrunner's principal in the full amount sought plus the 18% service charge, and in favor of Amber on each of Roadrunner's counter claims. Upon polling of the jury, the jury was

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practice areas

commercial litigation



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unanimous on all claims.

Steve is now preparing the motion for attorneys' fees and costs.