

# MACDONALD DEVIN ATTORNEYS

## Macdonald Devin Obtains Appellate Victory for Architect

Macdonald Devin attorneys **Greg Ziegler** and **Wes Davis** secured an appellate victory for an architectural firm arising out of a Travis County District Court trial involving foundation movement at a Courtyard Marriott Hotel near the Austin Airport.



The Plaintiff, a company owned by billionaire Robert L. Johnson, sought millions of dollars in alleged damages plus nearly a million dollars in attorney's fees. The jury returned a verdict favorable for the architect, but found the architect's sub-consulting structural engineer caused over \$700,000 in damages. The trial court reduced the actual damages to \$0, but awarded the Plaintiff attorney's fees and costs as the "prevailing party." The Austin Court of Appeals reversed the trial court's judgment and rendered judgment that Plaintiff take nothing from the architect. The **opinion**, delivered by the Austin Appellate Court, held that the trial court properly applied Texas' one-satisfaction of judgment rule to offset the jury's damage award because the Plaintiff's settlements with other parties, addressing the same damages, exceeded the jury's \$700,000 verdict.

The Plaintiff was only entitled to one satisfaction, which it received in pre-verdict settlements. The trial court erred, however, in awarding attorney's fees to the Plaintiff as a "prevailing party." The Austin Court held that the Plaintiff's failure to recover actual damages precluded the award of attorney's fees.