

# Texas



## Firm Secures Summary Judgement Victory in \$9 Million Construction Defect Case



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In the face of a \$9 million claim based on significant and extensive construction defects, John Kenefick and Jason Jung prevailed on a motion for summary judgment that spared the firm's client from any exposure.

John and Jason secured the victory this month after arguing the motion in March before Judge Heygood-McCoy in the 153rd District Court in Tarrant County. The lawsuit was brought by a homeowners' association against the firm's client, which had financed the construction project and taken the property back from the developer/general contractor through a Deed in Lieu of Foreclosure.

The HOA claimed that the client had actively concealed construction defects during the period it controlled the HOA and that it actively masked those defects when it prepared the units for sale to the current owners. Plaintiffs brought claims of negligence, breach of contract, and fraud all based on the alleged concealment of defects in both the common elements and the individual units.

Supported by the hard work of Steven Baggett and Tyler Vesely, John and Jason successfully argued that the HOA had missed the statute of limitations, overcoming the plaintiffs' assertions that the firm's client actively concealed the defects and ignored the advice of consultants who found pervasive issues on the project.

Congratulations to the entire team for obtaining this outstanding result.