

# Chicago Daily Law Bulletin

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## In the News

### In federal court

A federal jury in Chicago on Friday returned a verdict of nearly \$41.7 million in favor of Wichita, Kan.-based Flint Hills Resources LLC, a refining and chemicals company that claimed BP Amoco Chemical Co. breached a contract and warranties involving the sale of a chemical plant in Joliet, according to the company's lawyer.

The plaintiff also alleged fraud regarding production capacity, but the jury found in favor of BP Amoco on that claim and against the defendant on claims of breach of contract and breach of warranty, said **James R. Figliulo** of Figliulo & Silverman P.C., who represented Flint Hills Resources.

The jury returned its verdict after an eight-week trial before U.S. District Judge **Amy St. Eve** and deliberations that lasted one week, Figliulo said.

In 2004, the company, a subsidiary of Koch Industries, purchased a chemical plant in Joliet from BP Amoco for about \$300 million, Figliulo said. He said the deal included a number of warranties about the condition of the plant and its production capacity, which Flint Hills claimed were false.

The warranties, Figliulo said, included claims that the assets were in substantially good operating condition for their age and had been maintained in accordance with normal industry practices, and that the plant had the capacity to produce certain quantities of three chemicals used in the production of consumer and industrial plastic products.

Figliulo said the outcome of the lengthy trial shows that "juries can take complicated business disputes and resolve them in a just, sensible way."

Figliulo led a team of plaintiff lawyers that included **Ryan P. Stiles, Marc S. Porter, Thomas D. Warman** and **Sara A. Paguia** of Figliulo & Silverman P.C., and **Susan M. Franzetti** of Nijman, Franzetti LLP.

**Richard C. Godfrey** led a team of Kirkland & Ellis LLP attorneys representing BP Amoco, which included **Scott W. Fowkes, Hariklia Karis, Drew G.A. Peel** and **Erica B. Zolner**.

The case is *Flint Hills Resources LLC v. BP Amoco Chemical Co.*, No. 05 C 5661.