

# Won a Defense Verdict for a Mechanical Contractor Against Allegations of Civil Theft, Conversion and Unjust Enrichment

Matt McClean and Lynn Gompper, a Senior Paralegal and E-Discovery Specialist, won a defense a verdict on behalf of a full service mechanical contractor and its owner in a 6-day trial in Fond du Lac County. The suit was brought by 2 plaintiffs, who were nephews of the owner, former employees of the company, co-tenants of certain land used by the business, and potential buyers of the entire operation. Due diligence during the sale negotiations revealed a 20 year history of rent payments going only from the company to the current owner. The plaintiffs alleged civil theft, conversion, and unjust enrichment. They sought more than \$1 million plus punitive damages and attorney fees. The facts were convoluted and involved years of financial documents and tax returns. The defense proved the rents paid were tied to business uses not involving the jointly-owned property and that the nephews were long aware of the payments, but lying to leverage a better price in the business sale. The jury concluded that rent was not due among the co-tenants and that a claim to anything conceivably due had been waived.

## PROFESSIONALS

Matthew R. McClean  
Partner

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