



PRESS RELEASE

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Hahn Loeser Obtains Unanimous Jury Verdict for TRAX Construction Co.

On Friday, January 24, 2020, a Lake County Common Pleas Court returned a unanimous jury verdict in favor of Hahn Loeser's client -- TRAX Construction Co. -- against the Village of Reminderville, Ohio, its design professional OHM Advisors, Inc., and Village Engineer, Eugene Esser, awarding our client the full \$1.1 million it sought for compensatory damages. The jury also found OHM Advisors and Mr. Esser had committed fraud, and in addition to liability for compensatory damages, awarded TRAX \$375,000 in punitive damages and its attorney's fees.

TRAX is a family-owned and operated construction business specializing in site preparation, including installation and relocation of utilities, asphalt milling and paving, concrete work and landscaping. It brought the case against Reminderville alleging failure to pay for directed change order work arising from a differing site condition, as well as retainage and contract balance. It also sued OHM Advisors and Mr. Esser for fraud alleging that, as Reminderville's project manager and engineers, they directed TRAX to perform the work before denying responsibility. TRAX further alleged that this behavior reflected the intent to mislead TRAX into performing the work.

Hahn Loeser was involved in the case from early on and proactively assisted TRAX with real-time project documentation. With Hahn Loeser's guidance, TRAX fully developed its project file which served as a key tool in aiding Hahn Loeser trial attorneys to powerfully present TRAX's case, ultimately leading to a verdict in TRAX's favor.

This case is important to the construction industry, as it reinforces the applicability of the Spearin Doctrine, and sends a cautionary message to engineer project managers who direct that extra work be performed without the expectation of paying the contractor compensation. Hahn Loeser is proud of the victory our trial team achieved for TRAX. Our trial team included attorneys [O. Judson Scheaf, III](#), [Andrew J. Natale](#), [Aaron S. Evenchik](#), [Jeffrey A. Yeager](#), and [Elisé K. Yarnell](#), with trial support from paralegal [Beth A. Dannaher](#) and assistant Jennifer Jefferson-Beard.