

# SAN ANTONIO BUSINESS JOURNAL

## Two San Antonio oil companies fighting for nearly \$600,000 in legal fees

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Two San Antonio-based oil companies are fighting for nearly \$600,000 that they claim they're legally owed after a Dallas County jury sided with them in a landman lawsuit but did not award them any attorneys' fees.

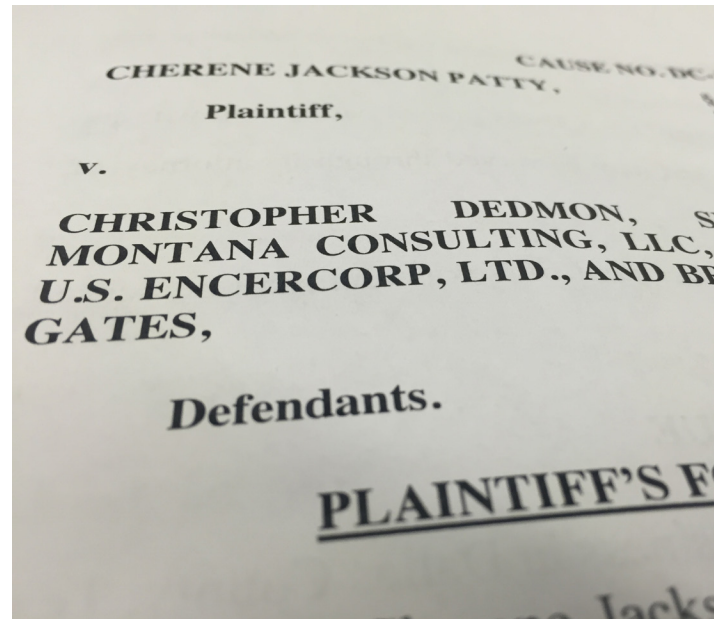
Dallas County resident Cherene Jackson Patty filed a breach of contract lawsuit against U.S. Enercorp and SDC Montana Consulting in December 2013. In it, she alleged that the two companies owed her nearly \$856,000 in commissions, a punitive damage multiplier and \$250,000 in attorneys fees for her work as a landman in a 79,000-acre oil deal in the Bakken Shale region of Montana.

The case went to trial last month before Judge Jim Jordan with the 160th State District Court in Dallas.

Jurors decided that the two companies did not violate their contract with Patty, but the case did not end there.

Instead, because the jurors did not award attorneys' fees to U.S. Enercorp and SDC Montana Consulting, their lawyers filed a July 7 motion asking the judge to disregard the jury's verdict and award legal fees. U.S. Enercorp is seeking \$490,000 in attorneys' fees while SDC Montana Consulting is seeking \$99,751, court records show.

Patty's attorney, Douglas Kittelson, filed a July 9 motion to deny attorneys fees, arguing that they are not entitled to a "take-nothing judgment." Kittelson claims the jury wrong-



fully interpreted the contract. Both he and his client are asking for a third-party accountant to take a second look at the numbers, which he said are part of a complicated accounting case.

The judge is expected to hear both motions during an Aug. 5 hearing.

"There's no telling what the judge may do," Kittelson said. "He could hire a third-party accountant. He could order a do over. He could order a partial do over. Or he could let the verdict stand and have everyone fight it in appeals."

U.S. Enercorp's defense attorney, Corey Wehmeyer with the San Antonio-based energy boutique law firm Santoyo Moore Wehmeyer P.C., said the accusations against his client were "baseless."

Wehmeyer said Patty and her legal team had their chance in court to call witnesses, admit exhibits and make arguments, but failed to convince a jury.

"The plaintiff could not meet her burden, and the jury appropriately disposed of her case," Wehmeyer said. "The plaintiff already hired and paid an accountant; that accountant was stricken from testifying at trial for unreliable and irrelevant opinions."