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Oncor loses lawsuit over far east Fort Worth development

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A Tarrant County jury has ruled against Oncor Electric Delivery in a civil lawsuit, awarding Arlington-based developer Giovanni Homes Corp. more than \$1.1 million in damages and \$578,340 in attorney's fees.

The jury in the 48th State District Court of Judge David Evans concluded that Oncor failed to honor an Oct. 23, 2007, agreement to relocate an underground power line and provide electricity to a new Giovanni residential and commercial development in the Academy at Waterchase addition in far east Fort Worth, north of Interstate 30.

Giovanni contended that Oncor's actions greatly delayed its development of eight residential lots and a commercial lot, causing the developer to lose profits and hurting its relationships with banks.

Dallas attorney Charla Aldous, who represented the developer, said in a statement Tuesday that "Giovanni Homes is a quality developer that just wanted to improve a neighborhood in Fort Worth, but Oncor kept delaying those efforts for seemingly no good reason.

"If there were ever a David and Goliath story, this was it, and we're glad David won," said Aldous, who argued the case. The jury reached its decision Thursday. Oncor is the chief electric transmission and distribution company serving North Texas and also serves substantial portions of West, East and Central Texas.

"We strongly disagree with the jury's findings and the damages awarded," Oncor spokeswoman Jeamy Molina said Tuesday. "We will be asking the judge to make a ruling [in favor of Oncor], notwithstanding the jury's verdict."

Giovanni sued Oncor for breach of contract and unlawful trespass on its property. The jury concluded that the developer's claims were valid.

In court papers filed Dec. 13, Oncor asked for a directed verdict in its favor, saying "there is no evidence, or alternatively ... insufficient evidence," that it was guilty of breach of contract or trespass.

The Giovanni properties that the jury took into account were five "residential lots" at 9004, 9012, 9020, 9028 and 9036 Creek Run Road and three "town home lots" at 8955, 8957 and 8959 Creek Run, all in the Academy at Waterchase addition, and a nearly half-acre commercial lot at Lot 1, Block, all in the Academy at Waterchase addition, according to court papers.

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