

Rushton Stakely Client Awarded \$4.9 Million by Autauga County Jury

In what may be the first test of the Alabama Heavy Equipment Dealer Act, on Feb. 12, 2016, an Autauga County jury awarded a Rushton Stakely client lost profits of over \$4.9 million against a heavy equipment manufacturer due to termination in violation of the Act. The client had been a dealer of heavy equipment for 19 years when it was terminated in 2014. The jury determined the termination was without good cause. The trial judge, Hon. Sibley Reynolds, also determined as a matter of law that the termination letter failed to provide 120 days advance notice. The Alabama Heavy Equipment Dealer Act, which was enacted in 2009, allows for the recovery of lost profits and also allows a successful dealer to recover reasonable attorney fees and costs. Deirdre Russell of Business Appraisals & Consulting, Inc. testified to the past and future lost profits of the Plaintiff. Dennis R. Bailey tried the case for the dealer. J. Evans Bailey and Jessica Trotman assisted in preparing the case for trial.