

Rapid Ruling: Fifth Circuit Affirms Winston Win on Summary Judgment the Day After Oral Argument

APRIL 30, 2025

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Winston recently secured a total victory for our clients, KVP Energy Services, LLC and other affiliated defendants, at the U.S. Court of Appeals for the Fifth Circuit. Plaintiff BHI Energy I Power Services LLC filed suit in the U.S. Northern District of Texas in September 2022, alleging US\$150M in damages in connection with causes of action for misappropriation of trade secrets, unfair competition, and various other business torts and statutory violations. Winston scored an important early win in January 2023 by defeating BHI Energy's motion for preliminary injunction. After a year of extensive discovery, Winston moved for full summary judgment on behalf of all defendants. In a strongly worded opinion, the district court granted Winston's summary judgment motion and dismissed the entirety of BHI's lawsuit.

BHI Energy appealed the dismissal, and a Fifth Circuit panel heard oral argument in New Orleans in April 2025, with Chase Cooper presenting on behalf of the defendants. Less than 30 hours later, the judges issued a terse opinion affirming the district court's rulings—and upholding a total win for all our clients.

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