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NEWS & INSIGHTS

BRIAN BOYLE AND JOHNNY JOHNSON PUBLISH CASE STUDY IN AMERICAN CITY & COUNTY ON SIEMENS SETTLEMENT FOR CITY OF JACKSON

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Lightfoot, Franklin & White LLC partners **Brian C. Boyle** and **John M. Johnson** recently published a case study in *American City & County* outlining how **the firm secured a significant settlement** with Siemens on behalf of the City of Jackson, Mississippi. The article is titled "**Navigating energy performance contracts: Lessons learned from the City of Jackson's $90 million recovery for a failed water meter and billing system.**"

In the piece, Boyle and Johnson describe the problems faced by the City of Jackson after it signed a $90 million energy performance contract with Siemens for a new automated water meter and billing system. The agreement promised $120 million in "guaranteed" savings and increased revenue from the new water system.

"Rather than delivering increased revenue and savings, however, the new system cost the city millions in lost revenue and increased operating costs," write Boyle and Johnson.

Lightfoot sued Siemens on behalf of the City of Jackson in June 2019. Within six months, the firm secured a significant settlement that recovered the full cost of the water meter and billing system and also allowed Jackson to keep $25 million in improvements to its wastewater treatment system that were made as part of the project.

In addition to discussing the lawsuit and settlement, the case study also outlines what other governments should know about energy performance or energy savings contracts before signing.

"In theory, such contracts are budget neutral, with the government entity's capital costs recouped from savings generated by the project," write Boyle and Johnson. "But in practice, such savings may never materialize, leaving the government entity paying off expensive capital projects for years into the future with little or no cost savings."

Boyle represents a range of clients — from Fortune 500 companies to small business owners and investors — in complex commercial litigation, with an emphasis on the energy industry. He is a partner in Lightfoot's Houston office, and has handled numerous cross-border cases in the oil and gas sector and beyond.

Johnson is an environmental and toxic tort litigator and one of the Southeast's most experienced and battle-tested case lawyers. He is the author of The Pesticide Litigation Manual, which was first published in 1991 and is still in print today under the title *Defending Pesticides in Litigation*.