

## WICK PHILLIPS SECURES APPELLATE VICTORY IN CASE INVOLVING ALLEGATIONS OF FRAUD AND BREACH OF FIDUCIARY DUTY

**DALLAS, Texas, August 14, 2015** – On July 31, 2015, the Fifth District Court of Appeals in Dallas, Texas affirmed a trial court’s ruling on behalf of the Appellees, including Dr. Jojo Cheung, DDS and the office condominium association where Dr. Cheung’s dental practice is located. Both Dr. Cheung and the association are clients of Wick Phillips and were represented by Jeffrey W. Hellberg, Jr., a partner in the Dallas office of the firm. Dr. Cheung and the association were sued by the owner of another unit who alleged the condominium builder and other unit owners had committed fraud, breach of fiduciary duty and conspiracy. Wick Phillips represented Dr. Cheung at the original trial along with the appeal.

The original dispute began after the plaintiffs, Bever Properties LLC, purchased the third unit in the three-unit business condominium complex. The plaintiffs claimed they had received verbal representations from the builder that was different from language in the documents they signed at closing. According to the Court of Appeals opinion by Justice Robert M. Fillmore, “After a nine-day trial, the jury answered the majority of the questions in the charge in favor of Bever Properties and Taylor, P.A. and awarded damages.” However, the trial court then granted the Defendants’ motions for judgment notwithstanding the verdict (JNOV) and rendered judgment that the Plaintiffs would take nothing on their claims.

The plaintiffs appealed the case, citing five issues with the trial court rulings. The appeal was presented to Justices Fillmore, Myers and Evans, who affirmed the trial court’s judgment.

The Wick Phillips’ team, led by Hellberg, was brought in to handle the case just six weeks before the original trial. “We launched into this case with a vigorous defense, even though we had a very tight time frame to prepare for trial,” said Hellberg. “We believed our clients had the law on their side, and I was determined to make sure they got the right outcome.”

“I am very pleased that the Appeals Court ruled in our favor,” says Dr. Cheung. “Jeff Hellberg and the team at Wick Phillips stood by me at trial and through the appeal, and they did a great job.”

*Serving the legal needs of businesses in a broad range of industries, Wick Phillips practices law with purpose. Practice areas include commercial litigation and appeals, oil and gas litigation, insurance coverage, real estate, corporate, labor and employment, bankruptcy, estate planning and tax. For more information visit [www.wickphillips.com](http://www.wickphillips.com).*

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**Jeffrey Hellberg, Jr.**

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