

## Securities

# Texas Business Court Seats First Jury in \$200 Million Oil Case

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Stirring in the wee hours before the inaugural jury trial in the Texas Business Court, Judge Sofia Adrogué realized she hadn't gone over a final detail with lawyers on the selection of jurors.

"One of those 2 a.m. reminder thoughts," Adrogué said Monday, by then on the bench of a downtown Houston courthouse. The parties, she said, would get an additional strike to excuse someone who they didn't want serving as an alternate juror.

By the end of the day, Adrogué had seated 12 jurors and two alternates—Texas' first big swing in deciding complex, multi-million dollar business disputes with regular citizens rather than judges. The trial involving a contract dispute in a crude oil delivery project comes 17 months after the business court opened in September 2024 as part of the state's bid to become lure corporations to Texas.

Beginning Tuesday, nine women and three men will decide whether plaintiff Ted Powers is entitled to up to \$200 million dollars from three siblings that he claims boxed him out of the project in Corpus Christi, Texas. The trial is set for two weeks in a courtroom loaned from Harris County.

"You are all making history today," Mike Absmeier, a Gibbs & Bruns lawyer representing a defendant, told the 65 people who reported for jury duty.

The meaty case with roughly 450 docket entries epitomizes why Texas Gov. Greg Abbott (R) and business groups pushed for the creation of the specialized court to hear complicated disputes that regular trial courts have a hard time keeping on track.

Added to the docket via removal in November 2024, the case has prompted 20 hearings or conferences, five appeals, and a mediation that went nowhere last month. Powers' attorney, Alistair Dawson of Beck Redden, died on Aug. 30, 2025, upending the original trial date set for two months later.

With Adrogué churning out one order after another, even while juggling one of the heaviest dockets in the business court, the case is on track to be decided just 15 months after it went on file.

Adrogué, a former partner with Diamond McCarthy LLP, is one of 10 judges Abbott appointed to divisions in Houston, Dallas, San Antonio, Austin, and Fort Worth.

Though the first-time judge is proving the court can operate with the desired speed, it remains a question whether it can decide these cases with jurors of various educational backgrounds and business experience. In Delaware, the dominant state for business incorporation that Abbott has targeted as a corporate rival, only Chancery Court judges are trusted with deciding the high-dollar cases.

### **Who signed the agreement?**

Before seating the jury, Adrogué excused one man who said his diagnosis with Attention Deficit Hyperactivity Disorder would keep him from paying attention, and another who said he had poor eyesight. Lawyers agreed to strike a woman who says her aversion to fossil fuels would make it hard to remain impartial.

Those picked included a teacher who cried out in applause when Adrogué revealed jurors will get paid \$120 a day, a woman who had to put off her own trial next week as a defendant in a car wreck case, an investment banker who went to school with Adrogué, and woman who negotiates contracts for ExxonMobil.

The dispute involves management of a billion-dollar crude oil delivery system and terminal project once led by three brothers — Marty Berry, Dennis Berry, and Lawrence Berry.

For help in negotiating financing for the project and implementing ownership and management structure, Lawrence Berry tapped Powers, a former business partner living in New York.

Powers says he proposed to Lawrence Berry that he receive a 20% ownership interest in the project plus \$100,000 in monthly cash compensation. Powers said he signed the agreement with Lawrence Berry. Whether Marty Berry and Dennis Berry also signed the agreement is the central question for the jury.

Marty Berry says he doesn't recall signing it. Bonnie Berry, the widow of Dennis Berry, who died in February 2024, says she isn't aware of her late husband signing the agreement.

Powers sued when Marty Berry and Bonnie Berry called a meeting of owners in November 2024 without letting him know. He got early wins, with Adrogué entering a temporary restraining order followed by a temporary injunction that prohibits Marty and Bonnie from taking any action to change the management or control of the project prior to trial.

Powers is represented by Beck Redden LLP and Greenberg Traurig LLP, which also represents his company, Allied Ports LLC.

Lawrence Berry is represented by Gibbs & Bruns LLP.

Marvin Berry is represented by Henke & Williams LLP, Douglas Allison of Corpus Christi, Texas, and Roberts Markland LLP.

Bonnie Berry is represented by Jackson Walker LLP, Douglas Allison of Corpus Christi, Texas, and Alexander Dubose & Jefferson LLP.

The case is Powers v. Berry, No. 24-BC11A-0025, 2/9/26.

To contact the reporter on this story: Ryan Autullo in Austin at rautullo@bloombergindustry.com

To contact the editor responsible for this story: Stephanie Gleason at sgleason@bloombergindustry.com

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