

Successful enforcement of limitation of liability clause

Another McDowell Rice client succeeded in enforcing a contractual limitation of liability provision against a school district in a construction defect pending in Lake County, Illinois. The court granted partial summary judgment on an unsigned but fully-performed contract, holding that the plaintiff's claims, which exceeded \$3 million, were capped at approximately \$79,000 by virtue of the limitation of liability provision. The parties subsequently settled the case for the limitation amount. [Tom Buchanan](#) was lead counsel; [Jason Buchanan](#) wrote the briefs; and [Linda McFee](#) argued the motion before the Illinois state court. The decision was issued on June 25, 2013.