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Illinois First District Appellate Court Affirms \$7 Million Judgment in Favor of Novack and Macey's Trust Client

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Novack and Macey LLP attorneys [Eric N. Macey](#), [Courtney D. Tedrowe](#) and [John Haarlow, Jr.](#), prevailed on a second successive appeal in the Illinois Appellate Court for their trust client. In a unanimous decision issued on July 24, 2012, the Second Division of the First District Illinois Appellate Court affirmed the trial court's decision, resulting in an approximately \$7 million judgment in favor of the Gerard M. Kenny Trust. Mr. Kenny is the former chief executive officer of Kenny Construction Company. [PDF](#)



Eric N. Macey

In the trial court, the trust obtained summary judgment affirming an arbitrator's award regarding the price that Kenny Industries, Inc., the parent of Kenny Construction, had to pay the trust for its shares in the corporation. Kenny Industries appealed and lost. The trust then sought to enforce its judgment against Kenny Industries, but Kenny Industries contended that because it obtained an assignment of other debt from Mr. Kenny, it was entitled to set off that debt against the trust's judgment. The trial court disagreed, and Kenny Industries appealed again, resulting in today's opinion.

Mr. Macey argued the case before the appellate court. Today, he said, "We are heartened by the court's decision and hope this finally puts to rest any questions regarding the trust's ability to enforce its judgment against Kenny Industries."

For more information about the opinion, contact Eric N. Macey at (312) 419-6900 or emacey@novackmacey.com.