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## **Analysis Group Client BASF Awarded \$170 Million, One of the Largest Awards Ever in Breach of Contract Suit**

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**Boston, September 18, 2007** — A New Jersey jury awarded Analysis Group client BASF Corporation \$169,932,670 in damages in what attorneys are calling one of the largest ever awards in a breach of contract case. At issue was the relationship between plaintiff BASF and Lyondell Chemical Co., in which Lyondell contracted to supply a propylene oxide compound to BASF at a “most favored nation” price. After 29 days of trial, the jury found that Lyondell overcharged BASF during an eight-year period and systematically covered up the discrepancies.

BASF’s counsel Kirkland & Ellis – led by Partners Gene Assaf and Daniel Donovan – retained Analysis Group Managing Principal [Jonathan Arnold](#) to examine Lyondell’s pricing agreements with other customers. Dr. Arnold analyzed Lyondell’s pricing and invoicing data, determined that the company charged lower prices to many other customers, and testified as an expert witness to the extent of the overcharge.

Based on his research and analysis, Dr. Arnold suggested damages of \$110 million, \$170 million, or \$286 million depending on certain factual findings required of the jury. This was substantially higher than the \$22.5 million to \$73 million range proposed by Lyondell’s valuation expert. After one day of direct testimony, Lyondell’s attorneys cross-examined Dr. Arnold for five days.

The jury awarded \$169,932,670 to BASF following three days of deliberation. “This victory for BASF underscores the increasing importance of experienced expert economics testimony in major commercial disputes,” said Analysis Group President and CEO [Martha S. Samuelson](#). “We congratulate our clients at BASF and Kirkland & Ellis on the outcome.”

[Analysis Group](#) ([www.analysisgroup.com](http://www.analysisgroup.com)) provides economic, financial, and business strategy consulting to leading law firms, corporations, and government agencies. The firm has more than 400 professionals, with offices in Boston, Chicago, Dallas, Denver, Los Angeles, Menlo Park, New York, San Francisco, Washington, and Montreal.

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