

Jenner & Block Secures Largest Civil Jury Verdict in Michigan History for Consumers Energy and DTE Electric

News

January 5, 2026

On December 18, Jenner & Block secured a landmark jury verdict of \$394,424,138 for clients Consumers Energy Company and DTE Electric Company in the US District Court for the Eastern District of Michigan, representing what is believed to be the largest civil jury verdict in Michigan history.

In *Consumers Energy Company and DTE Electric Company v. Toshiba America Energy Systems Corporation and Toshiba Corporation*, the jury found that Toshiba America Energy Systems breached its warranties and other contractual duties in overhauling the Ludington Pumped Storage Plant—one of the world's largest hydroelectric facilities of its type. Consumers Energy and DTE Electric, Michigan's two largest electric utilities, co-own the Ludington plant in northwest Michigan.

The jury awarded \$383,136,736 in damages for Toshiba's breaches of contract, plus \$11,287,402 in liquidated damages for late work. The jury rejected Toshiba's affirmative defenses and counterclaim, holding Toshiba accountable for its failure to uphold its contractual warranty. The jury verdict represents a key win for Consumers Energy and DTE Electric customers across the state of Michigan. In a joint statement on the verdict, the utilities noted: "We hold ourselves and our contractors to the highest standards . . . and feel validated the jury agreed Toshiba did not meet those standards. We will continue to operate the Ludington Pumped Storage plant reliably and will always go to bat for our customers."

The case involved complex legal issues, technical engineering matters, and electricity markets and regulation.

The team was led by Partners Terri Mascherin, Dan Weiss, and Tom O'Neill. Partners Chris Tompkins and Huiyi Chen, and Associate Regina Wood also played key roles at trial and throughout the development of the case. Associates Kiara Goodwine, Lauren Spungen, and Benjamin Love provided critical contributions before and during trial. Paralegals Sandra Mielke Gentile, Michael Hughes, Natalia Glinzler, Sydney Borden, and Eleanor Jenkins contributed essential case management and trial preparation. Other important contributors included Partners Cliff Berlow and Miwa Shoda, and Associates Jocelyn Sitton and Jacob Wentzel.

The team worked alongside Michigan counsel Patrick Seyferth, Derek Linkous and Tom Cribbins of Bush Seyferth PLLC.

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