

TEXAS LAWYER

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Winning Women

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in *De la Cruz, et al. v. Crosstex Energy Services LP, et al.*
Two Parker County property owners sued Crosstex, a natural gas transporter, in the

415th District Court, alleging that the company's natural gas compressor station near their properties produced unreasonable levels of noise, emissions, vibrations, odors, traffic and dust.

Okon says the plaintiffs' sound expert presented an opinion that the sound level on plaintiff Jennifer De la Cruz's property disrupted her peace and enjoyment of the property. But when questioned during his deposition, the expert testified that 95 percent of people would not be annoyed by the sound level on de la Cruz's property, Okon says.

At trial, De la Cruz presented a videotape recording alleged to be the sound heard on her property from the gas compressor station, Okon says. But the plaintiffs' sound expert testified in his deposition that when a sound recording is played back, one does not know what the sound level was.

"The tough thing was convincing the jury to ignore what they had heard," Okon says.

Okon succeeded in doing just that, however. After a four-day trial, the jury found that Crosstex's facilities did not constitute a nuisance. The plaintiffs did not appeal.

According to Okon, plaintiffs have filed more than 15 similar suits throughout Texas alleging that gas compressor stations are nuisances. Okon says that to her knowledge, the defense verdict in *De la Cruz* was the first involving an operating gas compressor or gas processing station in the state.

A graduate of Baylor Law School, Okon has been licensed to practice law since 1999. Her practice includes a broad range of commercial litigation and appellate work.

In 2009, Okon represented the defendant in the trial of *Billy and Margaret Bosley v. TXU Electric Co.*, a case involving allegations of breach of contract, common law and statutory fraud, and conversion of mineral rights. The trial was held in the 77th District Court in Freestone County. The plaintiffs sought \$800,000 in damages for future royalties on gas mineral rights, which they alleged they were to retain under a contract with TXU for the purchase of their property. But the jury returned a no-liability verdict for TXU, and the plaintiffs did not appeal.



MARK GRAHAM

Dallas civil trial and appellate attorney Melanie Kemp Okon has an almost unbeaten record. Only one of the nine cases Okon tried over the past 11 years resulted in a verdict unfavorable to her client, and she won the three appeals she handled.

Okon says she tries to completely align herself with her clients to be passionate about their cases but she is able to analyze when to go to trial and when to settle. Over the past year and a half, she has settled half-a-dozen cases and tried three, Okon says.

Thorough preparation for trial is a hallmark of her practice. Okon says she goes through depositions with a fine-toothed comb. "I think 90 percent of winning is winning before you get to trial," she says.

In June 2010, Okon served as lead counsel for the defendant