

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 30, 2025

Lyle W. Cayce
Clerk

No. 24-10899

BHI ENERGY I POWER SERVICES, L.L.C.,

Plaintiff—Appellant,

versus

KVP HOLDINGS, L.L.C.; KVP ENERGY SERVICES, L.L.C.;
POWER STANDARD, L.L.C., *formerly known as KV POWER, L.L.C.*;
DUSTIN COBLE; WELBORN GLOVER, *also known as ROSS*; ROY
GLOVER; SHELBY WALKER,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:22-CV-1981

Before SMITH, GRAVES, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Appellant BHI Energy I Power Services, LLC (“BHI”), a contractor in the electricity transmission and distribution industry, sued Appellees, who are former BHI employees and BHI’s competitor Power Standard, LLC and affiliates KVP Holdings, LLC and KVP Energy Services, LLC (collectively,

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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“Power Standard”) for interference with contract, misappropriation of trade secrets, breach of fiduciary duties, and conversion of physical property after the former employees left BHI to join Power Standard.

At the close of discovery, Appellees moved for summary judgment. BHI opposed the motion, attaching evidence in support. Appellees moved to strike this evidence on the grounds that it was untimely and constituted inadmissible hearsay.

The magistrate judge recommended granting Appellees’ motion to strike and also their summary judgment motion on the basis, *inter alia*, that BHI’s proof of damages was speculative. Adopting these recommendations, the district court dismissed BHI’s claims with prejudice. BHI appeals.

We have reviewed the briefs, the record, and the applicable law and have heard oral argument. Essentially for the reasons ably given by the magistrate judge and the district court, the judgment is AFFIRMED.