

BUSINESS

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• **DOW:** 29,872.47, down 173.77 (-0.6%) | • **S&P:** 3,629.65, down 5.76 (-0.2%) | • **OIL:** \$45.71, up 80 cents (1.8%) | • **NATURAL GAS:** \$2.90, up 12 cents (4.4%)

Wrongful termination win too late

Downhole Technology's founder dies before judge awards him \$143M in suit

By **Natalie Posgate**
THE TEXAS LAWBOOK

Porter Hedges partner Eric Wade met James Duke VanLue a decade ago when he walked into the law firm's offices in downtown Houston with a box of documents.

Although VanLue was only 30 at the time and had nothing more

than a high school education, the documents he brought that day contained his ideas to develop Downhole Technology, a frac plug manufacturing company that several years later would attract an offer from a foreign buyer to the tune of \$103 million.

"We could tell there was some real substance to his ideas," Wade

said. "We helped him establish his company, prosecute his first round of patents, (develop) the corporate documents and develop a relationship with an accounting firm."

Wade and VanLue's paths crossed again in 2018 after Schoeller Bleckmann America, which had paid \$103 million for a controlling interest in Houston-based Downhole in 2016, fired VanLue and sued him based on allegations VanLue claimed were false and at-

tacks on his character. VanLue retained Porter Hedges to defend him and countersue his former employer. The case went to a bench trial in early 2020.

Earlier this month, a Houston judge ruled in VanLue's favor, awarded him \$143 million in damages and will soon consider Porter Hedges' request for attorneys' fees, which will likely add millions more to the judgment.

But the judgment is bittersweet for Wade and the lawyers at Porter

Hedges, who say the nine-figure ruling clears their client's name and awards money he was rightfully owed. Unfortunately, VanLue never lived to see the result.

On June 27, VanLue died in an accident as he tried to land his small plane on a private runway in East Texas. He had just turned 40.

"They really maligned him in such a way that it was really a personal attack," Wade said of Downhole and SBA. "Duke was not going

Lawsuit continues on B4

LAST-MINUTE SHOPPING GUIDE

Conquer Black Friday with some simple tips



Elizabeth Conley / Staff photographer

Rice Village stores prepare Tuesday for Black Friday shoppers. Retailers are said to be in fierce competition for sales.

By **Courtney Jespersen**
ASSOCIATED PRESS

'Twas the day before Black Friday when all around the country, shoppers were gearing up for a day full of shopping.

So maybe you haven't exactly been gearing up for the day after Thanksgiving. Maybe you haven't done any research at all.

No need to worry; we've broken down everything you need to do to snag the biggest savings – with the least amount of effort.

Here's your last-minute Black Friday guide.

Discounts likely deep this year as retailers pin hopes on the season

Search the web for sales

You've probably been getting emails about Black Friday sales since October. Believe it or not, those were the early sales. The actual Black Friday event will take place tomorrow and, yes, more deals are coming.

Part of the reason for the longer holiday shopping season? Retailers are in "fierce competition" for sales given the pandemic's rippling effects of consumer unemployment and lower disposable income, according to Simone Peinkofer, assistant professor of supply chain management at Michigan State University.

Most retailers have already announced

their planned Thanksgiving Day and Black Friday discounts with shiny websites and flashy ads. Go directly to a store's website or do an online search for the store's name plus the words "Black Friday" to preview the deals. Some deal sites sift through the ads and pull out the biggest discounts for you.

Go online – or hold a spot

After you zero in on what you want, decide how you'll get it. This year, there's more than one way to shop on Black Friday: online, at the store or a hybrid of both.

Another one of the many retail effects of the COVID-19 pandemic is an increase in online shopping, as opposed to in-store purchases, as people avoid packed indoor spaces.

Deals continues on B6

Despite need, no surge seen yet in ACA enrollment

Pace is on par with last year's rate of sign-ups

By **Gwendolyn Wu**
STAFF WRITER

Health care researchers expected a surge in people buying health insurance plans through the Affordable Care Act exchange because of the pandemic, but so far, enrollment numbers are about the same as last year, federal data shows.

More than 1.6 million people nationally have enrolled in Affordable Care Act plans, similar to enrollment in the first half of November last year, according to the Centers for Medicare and Medicaid Services. This year's figures, however, don't include consumers from New Jersey or Pennsylvania, which left the federal exchange this year after setting up their own exchanges.

That means enrollment is creeping up in other states, but it's not a sizable increase from prior years. The open enrollment period ends Dec. 15.

"Permanent job losses have increased over the year, so I would expect enrollment to be higher than it was," said Daniel McDermott, a research associate at the Kaiser Family Foundation, a Washington think tank.

An estimated 7.7 million workers nationwide lost health insurance during the pandemic, according to a study from the Commonwealth Fund, health policy think tank in Washington. Analysts expect that more businesses will shut down for good as COVID-19 rates peak again around the country, meaning more employees will lose job-sponsored coverage.

Last year, 11.4 million consumers across the U.S. and more than 1.1 million Texans enrolled in health plans offered on healthcare.gov, the federal insurance exchange.

Analysts and insurers say the pandemic is making it even harder for consumers to choose plans, following the Trump administration's decision a few years ago to reduce funding for Affordable Care Act

ACA continues on B6

Cracker Barrel tallies another court victory vs. Texas investor

By **Patrick Danner**
STAFF WRITER

SAN ANTONIO – San Antonio investor Sardar Biglari might want to consider not waging any more proxy fights with Cracker Barrel Old Country Store.

Biglari is smarting from a fifth defeat after his nominee to serve as a director on Cracker Barrel's board garnered significantly fewer votes than the company's 10 candidates for the board, results released this week show.

Biglari nominated New Jersey restaurant owner Raymond "Rick" P. Barbrick to serve on Cracker Barrel's board. Barbrick is co-CEO of the Briard Group, owner of 111 Wendy's restaurants and some Marriott- and Hilton-branded hotels in the Northeast.

Barbrick received nearly 2.5 million of the nearly 19 million votes cast by Cracker Barrel shareholders last week. The next closest nominee received about



Tim Boyle / Getty Images

San Antonio investor Sardar Biglari lost another proxy fight over Cracker Barrel's board nominees.

11.3 million votes.

Excluding the shares voted by Biglari, however, Barbrick's support dipped to just 407,521 – or about 2.5 percent of the votes cast.

That marks Biglari's worst defeat among the five proxy con-

tests he has initiated at the Lebanon, Tenn., restaurant and retail chain.

Biglari, chairman and CEO of Biglari Holdings Inc., the owner of Steak n Shake, Maxim magazine and other companies, has

Biglari continues on B4

Verizon's superfast 5G no longer hard to find

When pundits and analysts talk about the superfast version of 5G known as millimeter wave, it's always with some caveats: It can't travel far; it won't penetrate buildings and foliage; and it's only deployed in public places where people gather, not in your neighborhood.

There's not much to be done about the first two downsides – they're due to the physics of that particular radio frequency. But the last one is changing. In Houston, there's a chance you could walk outside your front door with a Verizon 5G smartphone and get download speeds near or even well above 1 gigabit per second.

This does not mean that it's everywhere, yet. But where Verizon's high-speed 5G, which it markets as Ultrawideband, used to be confined to areas mostly in and near downtown, it's now found in some inner-loop neighborhoods. It's not always easy to find, but when you do – whoa!

DWIGHT SILVERMAN
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Verizon has not publicized this much, instead touting in several announcements in the number of cities added to the 5G Ultrawideband list. But during its most recent earnings conference call, Chairman and CEO Hans Vestberg told analysts that in "the majority of the cities who had already launched were almost double the size of the footprint (sic)."

A while back I checked out Verizon's coverage area at [verizon.com/coverage-map/](https://www.verizon.com/coverage-map/), which now shows Ultrawideband

TechBurger continues on B4

