Haynes Boone Wins Summary Judgment in 8-Figure Partnership Formation Dispute

By Brent Owen, Michael Freyberg | September 4, 2025

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Haynes Boone secured a sweeping summary judgment victory in a high-stakes commercial dispute on behalf of Catalyst Strategic Advisors and Kondrup Enterprises, eliminating an eight-figure liability and setting an important legal standard for defining enforceable partnerships. The ruling by the U.S. District Court for the District of Colorado strengthens the enforceability of corporate formalities and reinforces critical boundaries in contract and partnership law.

In a case brought by DV Consulting and its president, Daniel Van Der Aue, the plaintiff alleged that Catalyst and its owner, Joseph Kondrup, had formed a partnership or profit-sharing agreement entitling Van Der Aue to a share of Catalyst's profits based on communications and payments between the parties dating back to 2013. Haynes Boone successfully argued that no enforceable partnership or profit-sharing agreement existed, and in fact, DV Consulting was an independent contractor for Catalyst that was paid as such on a per-project basis.

The court agreed, granting summary judgment in full and holding that vague "framework" emails, discretionary payments and the absence of any of formal documentation failed to establish a binding legal partnership or profit-sharing agreement under Colorado law. The decision affirms that discretionary payments — without clear mutual intent or a documented agreement — do not give rise to enforceable business partnerships or profit-sharing agreements.

"This was an aggressive attempt by DV Consulting to rewrite the business relationship after the fact," said Partner Brent Owen, who led the Haynes Boone team alongside Associate Michael Freyberg. "The court's ruling reinforces the principle that parties must adhere to corporate formalities if they wish to alter the structure of their legal relationships."

The strategy from the Haynes Boone team combined meticulous factual analysis with precise legal arguments, resulting in a complete victory at the summary judgment stage.

Haynes Boone's Litigation Department handles disputes of all sizes with a focus on achieving results that align with clients' business objectives. The team represents industry leaders, startups and a full range of other businesses in contract disputes, class actions and regulatory matters. The firm's skilled trial and appellate teams have secured numerous jury verdicts, bench verdicts and summary judgments ensuring efficient, client-centered strategies that drive successful outcomes.

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