

CAUSE NO. 2013-61098

SCOTT D. MARTIN and
SKM PARTNERSHIP, LTD.
Plaintiffs,

VS.

ANDREWS KURTH LLP
Defendant.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

234th JUDICIAL DISTRICT

FINAL JUDGMENT

On October 20, 2015, this case was called for trial. This case was duly set for trial with due and proper notice for all parties. Plaintiffs Scott D. Martin and SKM Partnership, Ltd. (collectively, "Plaintiffs") appeared by and through counsel of record, Philip Werner, Scott Raynes and David Ayers of WERNER AYERS, LLP. Defendant Andrews Kurth LLP ("Defendant") appeared through its counsel of record, Murray Fogler, Jas Brar and Michelle Gray of FOGLER, BRAR, FORD, O'NEIL & GRAY LLP. All parties announced ready for trial.

Trial

After a jury was impaneled and sworn, it heard the evidence and arguments of counsel. The Jury made findings that the Court received, filed, and entered of record. The questions submitted to the Jury and the Jury's findings are attached as Exhibit A and incorporated by reference. The Court determined that no party had any objection to the receipt of the verdict. Plaintiffs filed a motion for judgment on the verdict.

Tolling of the Statute of Limitations

During the Court's conference with counsel to discuss the jury charge, Defendant through its counsel conceded that there was no factual dispute that the negligent acts alleged by Plaintiffs occurred during the prosecution or defense of a claim that resulted in litigation. The parties, through their respective counsel, agreed that if the tolling principles set out in *Hughes v. Mahaney &*

Higgins, 821 S.W.2d 154 (Tex. 1991), apply, then the negligence claims asserted in this lawsuit were timely filed. Therefore, the Court applies the tolling principles of *Hughes* to Plaintiffs' negligence claim, and finds that this claim is timely filed.

Judgment Decrees

Based upon the Court's rulings, the jury's verdict, the parties' stipulations and admissions, and the arguments of counsel, the Court hereby RENDERS judgment for Plaintiffs. Accordingly, the Court ORDERS that Plaintiffs recover the following from Defendant:

1. Actual damages in the amount of ONE HUNDRED SIXTY-SEVEN MILLION AND NO/100 DOLLARS (\$167,000,000.00), such sum being found by the jury in response to Question 7(a) of the Court's Charge.
2. Actual damages of TWENTY-NINE MILLION ONE HUNDRED TWENTY THOUSAND FIVE HUNDRED FIFTEEN AND NO/100 DOLLARS (\$29,120,515.00), such sum being found by the jury in response to Question 7(b) of the Court's Charge.
3. Prejudgment interest on the actual damages awarded at the rate of five percent (5%) per annum (\$26,865.82 per diem) from October 10, 2013 until November 22, 2015, in the amount of \$20,740,413.04, plus \$26,865.82 per day for each day after November 22, 2015 until the date of this judgment.
4. Court costs incurred by Plaintiffs, which costs total \$ _____.
5. Post-judgment interest on all of the above at the rate of five percent (5%), compounded annually, from the date this judgment is rendered until all amounts are paid in full.
6. All relief and remedies provided for in this judgment are proper, necessary and promote the ends of justice.
7. The Court ORDERS execution to issue for this judgment.

Finality of Judgment

All relief not expressly granted in this Final Judgment is hereby denied. This judgment finally disposes of all parties and all claims and is appealable.

SIGNED THIS ___ day of November, 2015.

JUDGE PRESIDING

Unofficial Copy Office of Chris Daniel District Clerk