

JEFFERY GALLAGHER AND SUSAN
GALLAGHER,

Plaintiffs,

V.

JOSE ROSALES, SABRINA ROSALES, CB
APEX REALTORS, LLC d/b/a COLDWELL
BANKER APEX REALTORS, and MICHAEL
PERRY,

Defendants.

[illegible]

IN THE DISTRICT COURT OF

COLLIN COUNTY, TEXAS

380th JUDICIAL DISTRICT

FINAL JUDGMENT

On April 16, 2012, this case was called for trial. Plaintiffs Jeffery Gallagher and Susan Gallagher (“Plaintiffs” or the “Gallaghers”) appeared in and through attorneys and announced ready for trial. Defendants Jose Rosales and Sabrina Rosales (the “Rosaleses”) appeared in person and through their attorney and announced ready for trial. Michael Perry (“Perry”), and CB Apex Realtors, LLC d/b/a Coldwell Banker Apex Realtors (“Coldwell”) appeared in person and through their attorney and announced ready for trial.

After a jury was impaneled and sworn, it heard the evidence and arguments of counsel. In response to the jury charge, 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 1 and incorporated by reference. Plaintiffs filed a motion for judgment on the verdict.

The court hereby **RENDERS** judgment for Plaintiffs against the Rosaleses.

1. Therefore, the court orders that Plaintiffs Jeffery and Susan Gallagher recover from Defendants Jose and Sabrina Rosales the sum of \$109,056, prejudgment interest against

them in the amount of \$255.18, postjudgment interest on the total sum at the annual rate of 5%, and court costs.

2. The court orders that Plaintiffs Jeffery and Susan Gallagher recover from Defendant Jose Rosales the sum of \$72,000, prejudgment interest against him in the amount of \$2,525.56, and postjudgment interest on the total sum at the annual rate of 5%.

3. The court orders that Plaintiffs Jeffery and Susan Gallagher recover from Defendant Jose Rosales the sum of \$24,000, prejudgment interest against her in the amount of \$841.85, and postjudgment interest on the total sum at the annual rate of 5%.

4. The court orders that Plaintiffs take nothing by their suit against Perry and/or Coldwell.

5. The court orders that Perry and Coldwell take nothing by their suit against Jose Rosales.

6. The amount of prejudgment interest earned under Texas Finance Code section 304.104 is not reduced under Section 304.105 because defendant did not make a written settlement offer that complied with Section 304.106.

7. The Gallaghers requested attorney fees based on Texas Civil Practice and Remedies Code section 38.001. The Gallaghers offered evidence at trial proving reasonable and necessary attorney fees, as determined by the jury's verdict, in the amount of \$100,000 through the time of trial. The court orders the Rosaleses to pay the Gallaghers \$100,000 for attorney fees.

8. The Gallaghers offered evidence at trial proving reasonable and necessary attorney fees, as determined by the jury's verdict, in the amount of \$10,000 more through appeal to the court of appeals, \$10,000 for representation at the petition for review stage in the Supreme

Court of Texas, \$5,000 for representation at the merits briefing stage in the Supreme Court of Texas, and \$5,000 for representation through oral argument and the completion of proceedings in the Supreme Court of Texas. The court orders the Rosaleses to pay the Gallaghers those amounts contingent on the Gallaghers' attorneys completing the appellate work described.

9. This judgment is final, disposes of all claims and all parties, and is appealable.
10. The court orders execution to issue for this judgment.
11. Cost of court are taxed against Jose Rosales and Sabrina Rosales.

SIGNED on April 27, 2012.


Judge Presiding