

*Webb, et al. v. TIER REIT, et al.*

SANDRA WEBB, LISA KELLER  
and MELVIN SULLIVAN

: 14<sup>th</sup> JUDICIAL DISTRICT COURT

VS. NO. 2013-3283

: PARISH OF CALCASIEU

JOSE VASQUEZ, UVEST FINANCIAL  
SERVICES, INC. and BEHRINGER  
HARVIARD REIT, INC.

: STATE OF LOUISIANA

FILED: 1.27.14

: *Byron Nelson*  
DEPUTY CLERK

OFFICE OF CLERK OF COURT  
2014 JAN 27 PM 4:25  
CALCASIEU PARISH, LOUISIANA

**PARTIAL FINAL CONSENT JUDGMENT**

SANDRA WEBB, LISA KELLER and MELVIN SULLIVAN ("Plaintiffs"), through undersigned counsel, Somer G. Brown of Cox, Cox, Filo, Camel & Wilson; and defendant, TIER REIT, INC., f/k/a BEHRINGER HARVARD REIT I, INC., ("TIER REIT" or "Defendant"), through undersigned counsel, Scott J. Scofield of Scofield, Gerard, Pohorelsky, Gallagher & Landry, and Dana Bruce and Bobby G. Pryor, of Pryor and Bruce, application for pro hac vice pending, agree to the following partial final consent judgment under La. Code of Civ. P. art. 1915 A. as follows:

IT IS ORDERED, ADJUDGED AND DECREED that TIER REIT'S Peremptory Exception of No Right of Action and/or No Cause of Action ("Peremptory Exception") is granted in part, dismissing with prejudice all claims and causes of action by Plaintiffs that are derivative in nature under La. Code of Civ. P. art. 611, *et seq.* or other applicable law and jurisprudence, including but not limited to:

- (1) Plaintiffs' allegations in paragraph 7 of their petition that TIER REIT "has failed to satisfy its stated investment objective and simultaneously misrepresented the value of its product and the facts relating to its value..." as Plaintiffs watched the value of their investment decline;
- (2) Plaintiffs' allegation in paragraph 14 of the petition that TIER REIT knew or should have known that the investments were not suitable;
- (3) Plaintiffs' allegations in paragraphs 15 and 17 of their petition that "the values of the Behringer Harvard REITs were overstated" to induce investors such as Plaintiffs to invest, and that the decreased value of

investments announced in May 2010 were either an allegedly incorrect value or an artificially maintained value to give investors like Plaintiffs a false sense of security when the REITs were worth less than the decreased share price communicated to investors;

- (4) Plaintiffs' allegations in paragraphs 16 and 17 of their petition that TIER REIT erodes assets or increases debts by paying distributions or dividends from capital and making minimal distributions or dividend payments to investors such as Plaintiffs, thereby creating or potentially creating a conflict of interest between TIER REIT's management, including its Board of Directors, and investors such as Plaintiffs when TIER REIT or its management makes decisions that affect share valuation;
- (5) Plaintiffs' allegations in paragraph 18 of their petition that TIER REIT "continues to make financial decisions that conflict with its fiduciary duties to investors whose monies are effectively held hostage and remain non-redeemable, including Plaintiffs;"
- (6) Plaintiffs' allegations in paragraph 28 of her petition that TIER REIT has entered into agreements with other related or affiliated entities that have defaulted or may be in danger of defaulting;
- (7) Any other explicit or implicit allegations by Plaintiffs against TIER REIT for breach of fiduciary duty, violation of the Louisiana Blue Sky laws (otherwise known as the Louisiana Securities Law), La. R.S. 51:712, 713, 714, *et seq.*, violation of the Louisiana Unfair Trade Practices and Consumer Protection Law, La. R.S. 51:1405, 1409, *et seq.*; and
- (8) Any explicit or implicit allegations by Plaintiffs against TIER REIT based upon TIER REIT's conduct other than through its alleged agents, Jose Vasquez and UVEST Financial Services, Inc. ("UVEST").

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all claims asserted by Plaintiffs against TIER REIT are Dismissed with Prejudice save and except

for Plaintiffs' claim for rescission and/or relative nullification based solely upon the conduct of Jose Vasquez and UVEST as the alleged agents of TIER REIT.

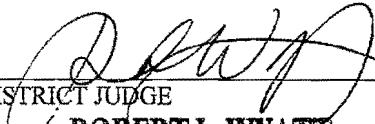
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs do not dismiss their claims or causes of action against TIER REIT for rescission and/or relative nullification based upon the conduct of Jose Vasquez and UVEST as the alleged agents of TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that TIER REIT is not precluded from challenging or otherwise defending against any of Plaintiffs' claims or causes of action against TIER REIT.

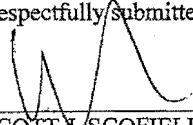
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs do not dismiss any of their claims or causes of action against any other defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs are deferred to the merits.

THUS ORDERED AND SIGNED at Lake Charles, Louisiana, this 5<sup>th</sup> day of February, 2014.

  
DISTRICT JUDGE  
**ROBERT L. WYATT**


Respectfully submitted,

  
SCOTT J. SCOFIELD (#14429)  
Scofield, Gerard, Pohorelsky,  
Gallagher & Landry  
901 Lakeshore Drive, Suite 900  
P.O. Drawer 3028 (70602)  
Lake Charles LA 70601  
(337) 433-9436 - Telephone  
(337) 436-5205 - Facsimile

Dana G. Bruce (Tex. Bar No. 03232032)  
Bobby G. Pryor (Tex Bar No. 16373720)  
Pryor & Bruce  
302 N. San Jacinto  
Rockwall TX 75087  
(972) 771-3933 - Telephone  
(972) 771-8343 - Facsimile

**Attorneys for Defendant,  
TIER REIT, Inc., f/k/a Behringer Harvard REIT I, Inc.**

Agreed and Consented to by:

  
SOMER G. BROWN (#31462)  
Cox, Cox, Filo, Camel & Wilson, LLP  
723 Broad Street  
Lake Charles LA 70601  
(337) 436-6611 – Telephone  
(337) 436-9541 – Facsimile

**Attorney for Plaintiffs,  
Sandra Webb, Lisa Keller and  
Melvin Sullivan**

**CERTIFICATE OF SERVICE**

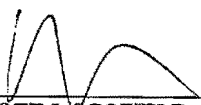
I HEREBY CERTIFY that a copy of the above pleading has been forwarded to all known  
counsel of record by United States mail, postage prepaid and properly addressed as follows:

Thomas A. Filo  
Somer G. Brown  
Cox, Cox, Filo, Camel & Wilson, LLP  
723 Broad Street  
Lake Charles LA 70601

Bobby G. Pryor  
Dana G. Bruce  
Matt Hill  
Pryor & Bruce  
Attorneys at Law  
302 North San Jacinto  
Rockwell TX 75087

John W. Joyce  
Barrasso, Usdin, Kupperman,  
Freeman & Sarver, LLC  
909 Poydras Street, Suite 2400  
New Orleans LA 70112

Lake Charles, Louisiana, this 27<sup>th</sup> day of January, 2014.

  
SCOTT J. SCOFIELD

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
DIVISION OF ARBITRATION**

**In the Matter of Arbitration Between:**

**SANDRA WEBB, LISA KELLER  
and MELVIN SULLIVAN  
Claimants**

**VS.**

**FINRA CASE NO. 14-00215**


**JOSE A. VASQUEZ AND UVEST  
FINANCIAL SERVICES, INC. and  
BEHRINGER HARVARD REIT, INC.  
Respondents**

**MOTION TO DISMISS RESPONDENT BEHRINGER HARVARD REIT I, INC.  
WITH PREJUDICE**

Come now, Claimants Sandra Webb, Lisa Keller, and Melvin Sullivan, who voluntarily dismiss all claims they have against Respondent Behringer Harvard REIT I, Inc. with prejudice. Claimants are simultaneously dismissing their State Court action against Behringer Harvard, which has been stayed pending the outcome of this arbitration. Claimants reserve all rights against and intend to pursue fully all of their claims, including their claims of unsuitability, against the remaining Respondents U-Vest and Jose Vasquez.

Respectfully submitted:

**COX, COX, FILO, CAMEL & WILSON, LLC**

By:   
**SOMER G. BROWN (La. Bar #31462)**  
723 Broad Street  
Lake Charles, LA 70601  
Telephone: 337-436-6611  
Facsimile: 337-436-9541

**Respondents have been served with copies of this pleading by electronic transmission to their respective counsels of record.**

SANDRA WEBB, LISA  
KELLER, AND MELVIN  
SULLIVAN,

: 14TH JUDICIAL DISTRICT COURT

VS. NO. 13-3283

: PARISH OF CALCASIEU

JOSE A. VASQUEZ, UVEST  
FINANCIAL SERVICES, INC.,  
and BEHRINGER HARVARD  
REIT, I, INC.

: STATE OF LOUISIANA

FILED: 5-15-15

: *Clara Supster*  
DEPUTY CLERK

**ORDER**

The foregoing Motion considered:

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED**, that the above-numbered and entitled action brought by Plaintiffs, **SANDRA WEBB, LISA KELLER and MELVIN SULLIVAN**, be and the same is hereby dismissed with prejudice against Defendants, **JOSE VASQUEZ, UVEST FINANCIAL SERVICES GROUP, INC. and BEHRINGER HARVARD REIT, I, INC.** with each party to bear their own costs of court in this litigation.

Lake Charles, Calcasieu Parish, Louisiana this 19<sup>th</sup> day of May, 2015.

*[Signature]*  
\_\_\_\_\_  
**HONORABLE ROBERT WYATT**  
**DISTRICT JUDGE, DIVISION D**



**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the above and foregoing Motion for Dismissal with Prejudice and Order have been forwarded to all counsel of record by placing a certified copy of same in the U.S. Mail, postage pre-paid and properly addressed this 15<sup>th</sup> day of May, 2015.

Somer Brown  
SOMER G. BROWN



*Montgomery v. TIER REIT, et al.*

JAMES MONTGOMERY : 14<sup>th</sup> JUDICIAL DISTRICT COURT  
VS. NO. 2013-3840 : PARISH OF CALCASIEU  
JOSE A. VASQUEZ, UVEST : STATE OF LOUISIANA  
FINANCIAL SERVICES, INC., and  
BEHRINGER HARVARD REIT, I, INC.  
FILED: JAN 30 2014 : Tham A CL  
DEPUTY CLERK

**PARTIAL FINAL CONSENT JUDGMENT**

JAMES MONTGOMERY ("Plaintiff"), through undersigned counsel, Somer G. Brown of Cox, Cox, Filo, Camel & Wilson; and defendant, TIER REIT, INC., f/k/a BEHRINGER HARVARD REIT I, INC., ("TIER REIT" or "Defendant"), through undersigned counsel, Scott J. Scofield of Scofield, Gerard, Pohorelsky, Gallagher & Landry; agree to the following partial final consent judgment under La. Code of Civ. P. art. 1915 A. as follows:

IT IS ORDERED, ADJUDGED AND DECREED that TIER REIT's Peremptory Exception of No Right of Action and/or No Cause of Action ("Peremptory Exception") is granted in part, dismissing with prejudice all claims and causes of action by Plaintiff that are derivative in nature under La. Code of Civ. P. art. 611, *et seq.* or other applicable law and jurisprudence, including but not limited to:

- (1) Plaintiff's allegation in paragraph 7 of his petition that TIER REIT "has failed to satisfy its stated investment objectives and simultaneously misrepresents the value of its product and the facts relating to its value..." as Plaintiff watches the value of her investment decline;
- (2) Plaintiff's allegation in paragraph 13 of the petition that TIER REIT knew or should have known that the "investments were not suitable for Plaintiff, based in part on its own suitability requirements, which [it] did not review or enforce prior to selling its shares;
- (3) Plaintiffs' allegations in paragraphs 14 and 16 of his petition that "the values of the Behringer Harvard REITs were overstated" with the intent of inducing investors such as Plaintiff to invest, and that the decreased value of investments announced in May 2010 were either an allegedly incorrect

value or an artificially maintained value to give investors like Plaintiff a false sense of security when the REITs were worth less than the decreased share price communicated to investors;

- (4) Plaintiff's allegations in paragraphs 15 and 16 of his petition that TIER REIT erodes assets or increases debts by paying distributions or dividends from capital and making minimal distributions or dividend payments to investors such as Plaintiff, thereby creating or potentially creating a conflict of interest between TIER REIT's management, including its Board of Directors, and investors such as Plaintiff when TIER REIT or its management makes decisions that affect share valuation;
- (5) Plaintiff's allegations in paragraph 17 of his petition that TIER REIT "continues to make financial decisions that conflict with its fiduciary duties to investors whose monies are effectively held hostage and remain non-redeemable, including Plaintiff;"
- (6) Any other explicit or implicit allegations by Plaintiff against TIER REIT for breach of fiduciary duty, violation of the Louisiana Blue Sky laws (otherwise known as the Louisiana Securities Law), La. R.S. 51:712, 713, 714, *et seq.*, and, violation of the Louisiana Unfair Trade Practices, Consumer Protection Law, La. R.S. 51:1405, 1409, *et seq.*; and
- (8) Any explicit or implicit allegations by Plaintiff against TIER REIT based upon TIER REIT's conduct other than through its alleged agents, Jose Vasquez and UVEST Financial Services, Inc. ("UVEST").

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all claims asserted by Plaintiff against TIER REIT are Dismissed with Prejudice save and except for Plaintiff's claim for rescission and/or relative nullification based solely upon the conduct of Jose Vasquez and UVEST as the alleged agents of TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff does not dismiss his claims or causes of action against TIER REIT for rescission and/or relative

nullification based upon the conduct of Jose Vasquez and UVEST as the alleged agents of TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that TIER REIT is not precluded from challenging or otherwise defending against any of Plaintiff's claims or causes of action against TIER REIT.

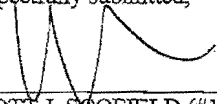
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff does not dismiss any of his claims or causes of action against any other defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs are deferred to the merits.

THUS ORDERED AND SIGNED at Lake Charles, Louisiana, this 10<sup>th</sup> day of February, 2014.


Richard E. Wilson  
DISTRICT JUDGE  
Judge Richard Wilson, Div. F

Respectfully submitted,

  
SCOTT J. SCOFIELD (#14429)  
Scofield, Gerard, Pohorelsky,  
Gallaughier & Landry  
901 Lakeshore Drive, Suite 900  
P.O. Drawer 3028 (70602)  
Lake Charles LA 70601  
(337) 433-9436 - Telephone  
(337) 436-5205 - Facsimile

**Attorneys for Defendant,  
TIER REIT, Inc., f/k/a  
Behringer Harvard REIT I, Inc.**

Agreed and Consented to by:

  
SOMER G. BROWN (#31462)  
Cox, Cox, Filo, Camel & Wilson, LLP  
723 Broad Street  
Lake Charles LA 70601  
(337) 436-6611 - Telephone  
(337) 436-9541 - Facsimile

**Attorney for Plaintiff,  
James Montgomery**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above pleading has been forwarded to all known  
counsel of record by United States mail, postage prepaid and properly addressed as follows:

Thomas A. Filo  
Somer G. Brown  
Cox, Cox, Filo, Camel & Wilson, LLP  
723 Broad Street  
Lake Charles LA 70601

Bobby G. Pryor  
Dana G. Bruce  
Matt Hill  
Pryor & Bruce  
Attorneys at Law  
302 North San Jacinto  
Rockwell TX 75087

John W. Joyce  
Barrasso, Usdin, Kupperman,  
Freeman & Sarver, LLC  
909 Poydras Street, Suite 2400  
New Orleans LA 70112

Lake Charles, Louisiana, this \_\_\_\_ day of January, 2014.

  
\_\_\_\_\_  
SCOTT J. SCOFIELD

RECEIVED  
IN LAKE CHARLES, LA.

FEB - 5 2014

TONY R. MOORE, CLERK  
BY PAF DEPUTY

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

GALYN MONTGOMERY,

Plaintiff,

v.

JOSE A. VASQUEZ,  
UVEST FINANCIAL SERVICES, INC.,  
and TIER REIT, INC., f/k/a  
BEHRINGER HARVARD REIT I, INC.

Defendants.

Cause No: 2:13-cv-02909

**ORDER ON PARTIAL MOTION TO DISMISS**

GALYN MONTGOMERY ("Plaintiff"), through undersigned counsel, Somer G. Brown of Cox, Cox, Filo, Camel & Wilson; and Defendant, TIER REIT, INC., f/k/a BEHRINGER HARVARD REIT I, INC., ("TIER REIT" or "Defendant"), through undersigned counsel, Dana Bruce and Bobby G. Pryor, of Pryor and Bruce, and Scott J. Scofield of Scofield, Gerard, Pohorelsky, Gallagher & Landry; agree to the following Partial Motion to Dismiss as follows:

IT IS ORDERED, ADJUDGED AND DECREED that TIER REIT'S Motion to Dismiss for Failure to State a Claim and Memorandum in Support, filed on October 28, 2013 ("Motion to Dismiss" is granted in part, dismissing with prejudice all claims and causes of action by Plaintiff that are derivative in nature under La. Code of Civ. P. art. 611, *et seq.* or other applicable law and jurisprudence, including but not limited to:

- (1) Plaintiff's allegation in paragraph 7 of her petition that TIER REIT "has failed to satisfy its stated investment objectives and simultaneously

misrepresents the value of its product and the facts relating to its value...,”  
as Plaintiff watches the value of her investment decline;

- (2) Plaintiff’s allegation in paragraph 13 of the petition that TIER REIT knew or should have known that the “investments were not suitable for Plaintiff, based in part on its own suitability requirements, which [it] did not review or enforce prior to selling its shares;
- (3) Plaintiffs’ allegations in paragraphs 14 and 16 of her petition that “the values of the Behringer Harvard REITs were overstated” with the intent of inducing investors such as Plaintiff to invest, and that the decreased value of investments announced in May 2010 were either an allegedly incorrect value or an artificially maintained value to give investors like Plaintiff a false sense of security when the REITs were worth less than the decreased share price communicated to investors;
- (4) Plaintiff’s allegations in paragraphs 15 and 16 of her petition that TIER REIT erodes assets or increases debts by paying distributions or dividends from capital and making minimal distributions or dividend payments to investors such as Plaintiff, thereby creating or potentially creating a conflict of interest between TIER REIT’s management, including its Board of Directors, and investors such as Plaintiff when TIER REIT or its management makes decisions that affect share valuation;
- (5) Plaintiff’s allegations in paragraph 17 of her petition that TIER REIT “continues to make financial decisions that conflict with its fiduciary

duties to investors whose monies are effectively held hostage and remain non-redeemable, including Plaintiff;”

- (6) Any other explicit or implicit allegations by Plaintiff against TIER REIT for breach of fiduciary duty, violation of the Louisiana Blue Sky laws (otherwise known as the Louisiana Securities Law), La. R.S. 51:712, 713, 714, *et seq.*, and, violation of the Louisiana Unfair Trade Practices and Consumer Protection Law, La. R.S. 51:1405, 1409, *et seq.*; and
- (7) Any explicit or implicit allegations by Plaintiff against TIER REIT based upon TIER REIT’s conduct other than through its alleged agents, Jose Vasquez and UVEST Financial Services, Inc. (“UVEST”).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all claims asserted by Plaintiff against TIER REIT are Dismissed with Prejudice save and except for Plaintiff’s claim for rescission and/or relative nullification based solely upon the conduct of Jose Vasquez and UVEST as the alleged agents of TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff does not dismiss her claims or causes of action against TIER REIT for rescission and/or relative nullification based upon the conduct of Jose Vasquez and UVEST as the alleged agents of TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that TIER REIT is not precluded from challenging or otherwise defending against any of Plaintiff’s claims or causes of action against TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff does not dismiss any of her claims or causes of action against any other defendants.



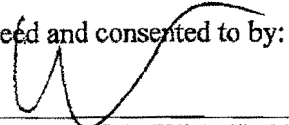
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs are deferred to the merits.

THUS ORDERED AND SIGNED at Lake Charles, Louisiana, this 3 day of

Feb 2014.

  
DISTRICT JUDGE


Agreed and consented to by:

  
SCOTT J. SCOFIELD (#14429)  
Scofield, Gerard, Pohorelsky,  
Gallaughier & Landry  
901 Lakeshore Drive, Suite 900  
P.O. Drawer 3028 (70602)  
Lake Charles LA 70601  
(337) 433-9436 – Telephone  
(337) 436-5205 – Facsimile

Dana G. Bruce (Tex. Bar No. 03232032)  
Pryor & Bruce.  
302 N. San Jacinto  
Rockwall TX 75087  
(972) 771-3933 – Telephone  
(972) 771-8343 – Facsimile

**Attorneys for Defendant,  
TIER REIT, Inc., f/k/a  
Behringer Harvard REIT I, Inc.**

Agreed and Consented to by:

  
SOMER G. BROWN (#31462)  
Cox, Cox, Filo, Camel & Wilson, LLP  
723 Broad Street  
Lake Charles LA 70601  
(337) 436-6611 – Telephone  
(337) 436-9541 – Facsimile

**Attorney for Plaintiff,  
Galyn Montgomery**

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
DIVISION OF ARBITRATION**

**In the Matter of Arbitration Between:**

**GAYLN MONTGOMERY and JAMES,  
MONTGOMERY,**

**Claimants**

**VERSUS**

**FINRA CASE NO. 14-02536**

**JOSE A. VASQUEZ, BEHRINGER HARVARD  
REIT I, INC., UVEST FINANCIAL GROUP,  
INC.**

**Respondents**


**MOTION TO DISMISS RESPONDENT BEHRINGER HARVARD REIT I, INC.  
WITH PREJUDICE**

Come now, Claimants Galyn Montgomery and James Montgomery, who voluntarily dismiss all claims they have against Respondent Behringer Harvard REIT I, Inc. with prejudice. Claimants are simultaneously dismissing their State Court action against Behringer Harvard, which has been stayed pending the outcome of this arbitration. Claimants reserve all rights against and intend to pursue fully all of their claims, including their claims of unsuitability, against the remaining Respondents U-Vest and Jose Vasquez.

Respectfully submitted:

**COX, COX, FILO, CAMEL & WILSON, LLC**

By:

  
**SOMER G. BROWN (La. Bar #31462)**  
723 Broad Street  
Lake Charles, LA 70601  
Telephone: 337-436-6611  
Facsimile: 337-436-9541

**Respondents have been served with copies of this pleading by electronic transmission to their respective counsels of record.**

JAMES MONTGOMERY

: 14TH JUDICIAL DISTRICT COURT

VS. NO. 2013-3840 F

: PARISH OF CALCASIEU

JOSE A. VASQUEZ, UVEST  
FINANCIAL SERVICES, INC.,  
and BEHRINGER HARVARD  
REIT I, INC.

: STATE OF LOUISIANA

FILED: 5-21-15

: Cheney Angier  
DEPUTY CLERK

**ORDER**

The foregoing Motion considered:

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED**, that the above-  
numbered and entitled action brought by Plaintiffs, **JAMES MONTGOMERY**,  
be and the same is hereby dismissed with prejudice against Defendants, **JOSE**  
**VASQUEZ, UVEST FINANCIAL SERVICES GROUP, INC. and BEHRINGER**  
**HARVARD REIT, I, INC**, with each party to bear their own costs of court in this  
litigation.

Lake Charles, Calcasieu Parish, Louisiana this 26<sup>th</sup> day of  
May, 2015.

Sharon Darville Wilson  
JUDGE WILSON  
DISTRICT JUDGE

Sharon Darville Wilson



**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the above and foregoing Motion for Dismissal with Prejudice and Order have been forwarded to all counsel of record by placing a certified copy of same in the U.S. Mail, postage pre-paid and properly addressed this 21 day of May, 2015.

  
**SOMER G. BROWN**

RECEIVED  
IN LAKE CHARLES, LA.

JUN - 8 2015

TONY R. MOORE, CLERK  
BY [Signature] DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

GALYN MONTGOMERY,

Plaintiff,

v.

JOSE A. VASQUEZ, ET AL.,

Defendants.

\* CIVIL ACTION NO. 2:13-cv-2909

\*

\*

\*

\* JUDGE MINALDI

\*

\*

\*

\* MAGISTRATE JUDGE KAY

\*\*\*\*\*

**JUDGMENT**

Considering the plaintiff's Motion for Dismissal with Prejudice [Doc. 43],

**IT IS ORDERED** that the stay in the above-captioned matter be and hereby is **LIFTED**.

**IT IS FURTHER ORDERED** that the plaintiff's Motion [Doc. 43] be and hereby is **GRANTED**.

**IT IS FURTHER ORDERED** that the above-captioned matter be and hereby is **DISMISSED, WITH PREJUDICE**, each party to bear its own costs.

Lake Charles, Louisiana, this 6 day of June, 2015.

[Signature]  
PATRICIA MINALDI  
UNITED STATES DISTRICT JUDGE

*Gallien v. TIER REIT, et al.*

BERNICE GALLIEN

14<sup>th</sup> JUDICIAL DISTRICT COURT

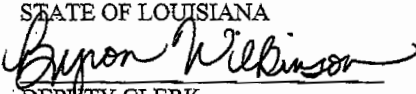
VS. NO. 2014-3008-F

PARISH OF CALCASIEU

JOSE VASQUEZ, UVEST FINANCIAL  
SERVICES, INC. and BEHRINGER  
HARVARD REIT, I, INC.

STATE OF LOUISIANA

FILED: 10.17.14

  
DEPUTY CLERK

**PARTIAL FINAL CONSENT JUDGMENT**

Plaintiff BERNICE GALLIEN ("Plaintiff"), through undersigned counsel, Somer G. Brown of Cox, Cox, Filo, Camel & Wilson, and Defendant, TIER REIT, INC., f/k/a BEHRINGER HARVARD REIT I, INC., ("TIER REIT" or "Defendant"), through undersigned counsel, Scott J. Scofield of Scofield, Gerard, Pohorelsky, Gallagher & Landry, agree to the following partial final consent judgment under La. Code of Civ. P. art. 1915 A as follows:

IT IS ORDERED, ADJUDGED AND DECREED that TIER REIT's Peremptory Exception of No Right of Action and/or No Cause of Action ("Peremptory Exception") is granted in part, dismissing with prejudice all claims and causes of action by Plaintiff that are derivative in nature under La. Code of Civ. P. art. 611, *et seq.*, or other applicable law and jurisprudence, including but not limited to:

- (1) To the extent such claims are asserted against TIER REIT, Plaintiff's allegations in paragraph 13 of the Petition that the "investments were not suitable for Plaintiff, based in part, on [TIER REIT's] own suitability requirements, which were neither reviewed nor enforced with respect to the subject shares";



- (2) To the extent such claims are asserted against TIER REIT, Plaintiff's allegations in paragraph 14 of the Petition that "the fiduciary duties owed by each of the Defendants in this case were high," "[p]articularly in light of the circumstances of these particulars which were known to Defendants. . . .";
- (3) Plaintiff's allegations in paragraph 15 of the Petition that TIER REIT was unjustly enriched by its actions in purporting to sell shares that were not what was represented and that were valued significantly less than what was originally represented and/or misrepresented information to Plaintiff in order to take, without cause, monies belonging to her, including her original investment, subsequent reinvestments of dividends, and all subsequent purchases;
- (4) Plaintiff's allegations in paragraph 16 of the Petition that TIER REIT is liable for attorney's fees – and implicit allegations of general liability – for violations of the Louisiana Blue Sky laws (otherwise known as the Louisiana Securities Law), La. R.S. 51:712, 713, *et seq.*, and violation of the Louisiana Unfair Trade Practices and Consumer Protection Law, La. R.S. 51:1405, 1409, *et seq.*;
- (5) Except to the extent such allegation arises solely from the alleged conduct of UVEST and Vasquez as alleged agents of TIER REIT, Plaintiff's allegations in paragraph 18 of the Petition that the investment contracts and/or sales of TIER REIT shares should be declared null and void due to error, mistake, and/or fraud in the inducement;

- (6) Any explicit or implicit allegations by Plaintiff against TIER REIT based upon TIER REIT's conduct other than through its alleged agents, Jose Vasquez and UVEST.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all claims asserted by Plaintiff against TIER REIT are Dismissed with Prejudice save and except for Plaintiff's claim for rescission and/or relative nullification based solely upon the alleged conduct of Jose Vasquez and UVEST as the alleged agents of TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff does not dismiss her claims or causes of action against TIER REIT for rescission and/or relative nullification based solely upon the alleged conduct of Jose Vasquez and UVEST as the alleged agents of TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that TIER REIT is not precluded from challenging or otherwise defending against any of Plaintiff's claims or causes of action against TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff does not dismiss any of her claims or causes of action against any other defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Consent Judgment does not address the arbitration issue raised by TIER REIT in its Exception of No Right of Action and/or No Cause of Action since TIER REIT will raise such issue in a separate pleading to be filed with the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs are deferred to the merits.

THUS ORDERED AND SIGNED at Lake Charles, Louisiana, this 23<sup>rd</sup> day of October  
2014.

Sharon Dorelle Wilson  
DISTRICT JUDGE

Respectfully submitted,

Scott J. Scofield  
SCOTT J. SCOFIELD (#14429)  
Scofield, Gerard, Pohorelsky,  
Gallagher & Landry  
901 Lakeshore Drive, Suite 900  
P.O. Drawer 3028 (70602)  
Lake Charles LA 70601  
(337) 433-9436 – Telephone  
(337) 436-5205 – Facsimile  
**Attorneys for Defendant,**  
**TIER REIT, Inc., f/k/a**  
**Behringer Harvard REIT I, Inc.**

**A TRUE COPY**  
Lake Charles, Louisiana  
Byron Wilkinson  
Deputy Clerk of Court  
Calcasieu Parish, Louisiana OCT 27 2014

Agreed and Consented to by:

Somer G. Brown  
SOMER G. BROWN (#31462)  
Cox, Cox, Filo, Camel & Wilson, LLP  
723 Broad Street  
Lake Charles LA 70601  
(337) 436-6611 – Telephone  
(337) 436-9541 – Facsimile  
**Attorney for Plaintiff,**  
**Bernice Gallien**

## FINRA DISPUTE RESOLUTION

### In the Matter of Arbitration Between:

BERNICE GALLIEN,

Claimant,

v.

JOSE A. VASQUEZ, UVEST FINANCIAL  
SERVICES GROUP, INC., and TIER REIT, INC., F/K/A  
BEHRINGER HARVARD REIT I, INC.

Respondents.

§  
§  
§  
§  
§  
§  
§  
§  
§

FINRA CASE NO:  
14-03335


### **MOTION TO DISMISS RESPONDENT BEHRINGER HARVARD REIT I, INC. WITH PREJUDICE**

Come now, Claimant BERNICE GALLIEN, who voluntarily dismisses all claims she has against Respondent Behringer Harvard REIT I, Inc. with prejudice. Claimant is simultaneously dismissing her State Court action against Behringer Harvard, which has been stayed pending the outcome of this arbitration. Claimant reserves all rights against and intends to pursue fully all of her claims, including her claims of unsuitability, against the remaining Respondents U-Vest and Jose Vasquez.

Respectfully submitted:

**COX, COX, FILO, CAMEL & WILSON, LLC**

By:

  
**SOMER G. BROWN (La. Bar #31462)**  
723 Broad Street  
Lake Charles, LA 70601  
Telephone: 337-436-6611  
Facsimile: 337-436-9541

**Respondents have been served with copies of this pleading by electronic transmission to their respective counsels of record.**

**BERNICE GALLIEN** : **14TH JUDICIAL DISTRICT COURT**  
**VS. NO. 2014-3008-F** : **PARISH OF CALCASIEU**  
**JOSE A. VASQUEZ, UVEST** : **STATE OF LOUISIANA**  
**FINANCIAL SERVICES, INC.,**  
**and BEHRINGER HARVARD**  
**REIT I, INC.**

**FILED** 6/2/15 : Judy Laverne  
**DEPUTY CLERK**

**ORDER**

The foregoing Motion considered:

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED**, that the above-numbered and entitled action brought by Plaintiff, **BERNICE GALLIEN**, be and the same is hereby dismissed with prejudice against Defendants, **JOSE VASQUEZ, UVEST FINANCIAL SERVICES GROUP, INC. and BEHRINGER HARVARD REIT, I, INC.**, with each party to bear their own costs of court in this litigation.

June Lake Charles, Calcasieu Parish, Louisiana this 4th day of June, 2015.

Sharon Darville Wilson  
**DISTRICT JUDGE**  
**Sharon Darville Wilson**

OFFICE OF CLERK OF COURT  
2015 JUN -2 PM 3:54



*Dronet v. TIER REIT, et al.*

MARY PAMME DRONET, AS  
EXECUTRIX OF THE ESTATE OF  
MARY HAZEL DRONET

: 14<sup>th</sup> JUDICIAL DISTRICT COURT

VS. NO. 2012-3134 Div. B

: PARISH OF CALCASIEU

JOSE A. VASQUEZ, MALLARD  
INVESTMENTS, INC., UVEST  
FINANCIAL SERVICES, INC.,  
BEHRINGER HARVARD REIT, I,  
INC. AND BEHRINGER HARVARD  
REIT WELLS, II

: STATE OF LOUISIANA

FILED:

1-10-14

:

  
DEPUTY CLERK

OFFICE OF CLERK OF COURT  
2014 JAN 10 PM 3:49  
CALCASIEU PARISH, LOUISIANA

PARTIAL FINAL CONSENT JUDGMENT

MARY PAMME DRONET, AS EXECUTRIX OF THE ESTATE OF MARY HAZEL  
DRONET ("Plaintiff"), through undersigned counsel, Somer G.  
Brown of Cox, Cox, Filo, Camel & Wilson; and defendant, TIER  
REIT, INC., f/k/a BEHRINGER HARVARD REIT I, INC., ("TIER REIT"  
or "Defendant"), through undersigned counsel, Dana Bruce and  
Bobby G. Pryor, of Pryor and Bruce, and Scott J. Scofield of  
Scofield, Gerard, Pohorelsky, Gallagher & Landry; agree to the  
following partial final consent judgment under La. Code of Civ.  
P. art. 1915 A. as follows:

IT IS ORDERED, ADJUDGED AND DECREED that TIER REIT'S  
Peremptory Exception of No Right of Action and/or No Cause of  
Action ("Peremptory Exception") is granted in part, dismissing  
with prejudice all claims and causes of action by Plaintiff that  
are derivative in nature under La. Code of Civ. P. art. 611, et  
seq. or other applicable law and jurisprudence, including but  
not limited to:

- (1) Plaintiff's allegation in paragraph 28 of her  
petition that TIER REIT "continues to make  
financial decisions that conflict with its  
fiduciary duties to investors whose monies are

D4

effectively held hostage and remain non-redeemable, including Mrs. Dronet's estate;"

- (2) Plaintiff's allegation in paragraph 28 of her petition that TIER REIT has entered into agreements with other related or affiliated entities that have defaulted or may be in danger of defaulting;
- (3) Plaintiff's allegations in paragraphs 26 and 27 of her petition that TIER REIT erodes assets or increases debts by paying dividends from capital and making minimal distributions to investors such as Plaintiff, thereby creating or potentially creating a conflict of interest between TIER REIT's management, including its Board of Directors, and investors such as Plaintiff when TIER REIT or its management makes decisions that affect share valuation;
- (4) Plaintiff's allegations in paragraphs 25 and 27 of her petition that "the values of the Behringer Harvard REITs were overstated" to induce investors such as Plaintiff to invest, and that the decreased value of investments announced in May 2010 were either an allegedly incorrect value or an artificially maintained value to give investors like Ms. Dronet a false sense of security when the REITs were worth less than the decreased share price announced to investors; and
- (5) Any other explicit or implicit allegations by Plaintiff against TIER REIT for breach of



fiduciary duty, violation of the Louisiana Blue Sky laws (otherwise known as the Louisiana Securities Law), La. R.S. 51:712, 713, et seq., and, violation of the Louisiana Unfair Trade Practices and Consumer Protection Law, La. R.S. 51:1405, 1409, et seq.; and

- (6) Any explicit or implicit allegations by Plaintiff against TIER REIT based upon TIER REIT's conduct other than through its alleged agents, Jose Vasquez and UVEST.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all claims asserted by Plaintiff against TIER REIT are Dismissed with Prejudice save and except for Plaintiff's claim for rescission and/or relative nullification based solely upon the conduct of Jose Vasquez and UVEST as the alleged agents of TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff does not dismiss her claims or causes of action against TIER REIT for rescission and/or relative nullification based upon the conduct of Jose Vasquez and UVEST as the alleged agents of TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that TIER REIT is not precluded from challenging or otherwise defending against any of Plaintiff's claims or causes action against TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff does not dismiss any of her claims or causes of action against any other defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Consent Judgment does not address the arbitration issue raised

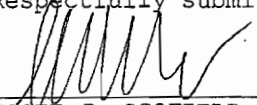
by TIER REIT in its Exception of No Right of Action/No Cause of Action since TIER REIT will raise such issue in a separate pleading to be filed with the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs are deferred to the merits.

THUS ORDERED AND SIGNED at Lake Charles, Louisiana, this 16th day of Jan, 2014.

  
DISTRICT JUDGE  
CLAYTON DAVIS

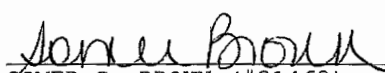
Respectfully submitted,

  
SCOTT J. SCOFIELD (#14429)  
Scofield, Gerard, Pohorelsky,  
Gallaughier & Landry  
901 Lakeshore Drive, Suite 900  
P.O. Drawer 3028 (70602)  
Lake Charles LA 70601  
(337) 433-9436 - Telephone  
(337) 436-5205 - Facsimile

Dana G. Bruce (Tex. Bar No. 03232032)  
Bobby G. Pryor (Tex Bar No. 16373720)  
Pryor & Bruce  
302 N. San Jacinto  
Rockwall TX 75087  
(972) 771-3933 - Telephone  
(972) 771-8343 - Facsimile

**Attorneys for Defendant,  
TIER REIT, Inc., f/k/a  
Behringer Harvard REIT I, Inc.**

Agreed and Consented to by:

  
SOMER G. BROWN (#31462)  
Cox, Cox, Filo, Camel & Wilson, LLP  
723 Broad Street  
Lake Charles LA 70601  
(337) 436-6611 - Telephone  
(337) 436-9541 - Facsimile

**Attorney for Plaintiff,  
Mary Pamme Dronet, as Executrix  
of the Estate of Mary Hazel Dronet**

OFFICE OF CLERK OF COURT  
2014 JAN 10 PM 3:49  
CALCASIEU PARISH, LOUISIANA

**TO:** Somer G. Brown, Esq.  
Dana G. Bruce, Esq.  
Catherine Hanna, Esq.

**From:** Felicia M. Fox  
Senior Case Administrator

**Subject:** FINRA Dispute Resolution Arbitration Number 13-01778  
Mary Pamme Dronet, as Executrix of the Estate of Mary Hazel Dronet vs. Jose Vasquez, TIER REIT Inc. et al.

**Date:** May 5, 2015

FINRA has received a letter advising that all claims in this matter have been settled or withdrawn. Accordingly, we have removed this case from our arbitration docket.

You will receive by separate letter an invoice that reflects the fees assessed and any outstanding balance or refund due. Fees are due and payable to FINRA Dispute Resolution upon receipt of the invoice and should be remitted to the address specified on the invoice. Any applicable refunds will also be sent by separate letter approximately 45 days after the case closes.

We welcome suggestions from parties and practitioners in our forum to improve the services we provide. If you have not already done so, please complete an evaluation of our services, the arbitration process, and the arbitrator(s) assigned to your case. You will find an arbitration evaluation form on FINRA's web site at: <http://www.finra.org/arbevaluation>.

If you have any questions, please do not hesitate to contact me at 312-899-4424 or by email at [Felicia.Fox@finra.org](mailto:Felicia.Fox@finra.org).

FMF:as1:LC40A  
idr: 09/17/2014

**RECIPIENTS:**

Somer G. Brown, Esq., Cox Cox Filo Camel & Wilson, 723 Broad St., Lake Charles, LA 70601

On Behalf Of: The Estate of Mary Hazel Dronet

Dana G. Bruce, Esq., Pryor & Bruce, 302 N. San Jacinto, Rockwall, TX 75087  
On Behalf Of: Behringer Harvard REIT I, Inc.

Catherine Hanna, Esq., Barrasso Usdin Kupperman Freeman & Sarver, 909 Poydras  
Street, Suite 2400, New Orleans, LA 70112  
On Behalf Of: Uvest Financial Services, Inc.; Jose Antonio Vasquez

MARY PAMME DRONET,  
AS EXECUTRIX OF THE ESTATE  
OF MARY HAZEL DRONET

: 14TH JUDICIAL DISTRICT COURT

VS. NO. 2012-3134, DIV. "B"

: PARISH OF CALCASIEU

JOSE A. VASQUEZ, MALLARD  
INVESTMENTS, INC., UVEST  
FINANCIAL SERVICES, INC.,  
BEHRINGER HARVARD  
REIT, I, INC. AND BEHRINGER  
HARVARD REIT WELLS, II

: STATE OF LOUISIANA

FILED:

6-17-15

:

DEPUTY CLERK

*Chris Angster*

OFFICE OF CLERK OF COURT  
2015 JUN 17 PM 3:24  
CALCASIEU PARISH, LOUISIANA

ORDER

The foregoing Motion considered:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the above-numbered and entitled action brought by Plaintiff, MARY PAMME DRONET AS EXECUTRIX OF THE ESTATE OF MARY HAZEL DRONET, be and the same is hereby dismissed with prejudice against Defendants, JOSE VASQUEZ, UVEST FINANCIAL SERVICES GROUP, INC. and BEHRINGER HARVARD REIT, I, INC, with each party to bear their own costs of court in this litigation.

Lake Charles, Calcasieu Parish, Louisiana this 26 day of

June, 2015.

*Clayton Davis*  
DISTRICT JUDGE  
CLAYTON DAVIS



CMS4848007 Page Count: 2  
Filing Date: 06/18/2015 11:26 AM  
Case Number: 2012-003134  
Document Name: FILE ORDER

*Price, et al. v. TIER REIT, et al.*

MARGARET JO PRICE, MARC D.  
LOWENTHAL, AND THE MICHAEL  
WELSH LOWENTHAL  
INTER VIVOS TRUST #1,  
BENEFICIARIES OF JOSEPH  
LOWENTHAL, and LOWENTHAL, LLC

14<sup>th</sup> JUDICIAL DISTRICT COURT

VS. NO. 2014-407B


PARISH OF CALCASIEU

JOSE A. VASQUEZ, UVEST  
FINANCIAL SERVICES, INC., and  
TIER REIT, INC., F/K/A BEHRINGER  
HARVARD REIT I, INC.

STATE OF LOUISIANA

FILED:

6.3.14

  
DEPUTY CLERK

**PARTIAL FINAL CONSENT JUDGMENT**

Plaintiffs, MARGARET JO PRICE, MARC D. LOWENTHAL, THE MICHAEL  
WELSH LOWENTHAL INTER VIVOS TRUST #1, as BENEFICIARIES OF JOSEPH  
LOWENTHAL, and LOWENTHAL, LLC ("Plaintiffs"), through undersigned counsel, Somer G.  
Brown of Cox, Cox, Filo, Camel & Wilson, and Defendant, TIER REIT, INC., f/k/a  
BEHRINGER HARVARD REIT I, INC., ("TIER REIT" or "Defendant"), through undersigned  
counsel, Scott J. Scofield of Scofield, Gerard, Pohorelsky, Gallagher & Landry, agree to the  
following partial final consent judgment under La. Code of Civ. P. art. 1915 A as follows:

IT IS ORDERED, ADJUDGED AND DECREED that TIER REIT's Peremptory  
Exception of No Right of Action and/or No Cause of Action ("Peremptory Exception") is  
granted in part, dismissing with prejudice all claims and causes of action by Plaintiffs that are  
derivative in nature under La. Code of Civ. P. art. 611, *et seq.*, or other applicable law and  
jurisprudence, including but not limited to:

- (1) Plaintiffs' allegations in paragraph 13 of the petition that TIER REIT  
knew or should have known that the "investments were not suitable in this  
case, based in part, on [TIER REIT's] own suitability requirements, which  
[it] did not review or enforce prior to selling its shares;"
- (2) Plaintiffs' allegations in paragraphs 15 and 16 of the petition that TIER  
REIT erodes assets or increases debts by paying dividends from capital  
and making minimal distributions to investors such as Joseph Lowenthal  
and Lowenthal, LLC (and/or Petitioner Plaintiffs), thereby creating or  
potentially creating a conflict of interest between TIER REIT's

- management, including its Board of Directors, and investors such as Joseph Lowenthal and Lowenthal, LLC (or Petitioner Plaintiffs), when TIER REIT or its management makes decisions that affect share valuation;
- (3) Plaintiffs' allegations in paragraph 16 of the petition that the decreased value of investments announced in May 2010 was artificially maintained to give investors like Joseph Lowenthal and Lowenthal, LLC (and/or Petitioner Plaintiffs), a false sense of security when the REITs were worth less than then decreased share price announced to investors;
  - (4) Plaintiffs' allegations in paragraph 17 of the petition that TIER REIT's actions constitute a breach of fiduciary duties owed to Joseph Lowenthal and Lowenthal, LLC, (and/or Petitioner Plaintiffs) and that the fiduciary duty in this case was high, "[p]articularly in light of the circumstances of these particulars which were known to Defendants . . . .";
  - (5) Any other explicit or implicit allegations by Plaintiffs against TIER REIT for breach of fiduciary duty, violation of the Louisiana Blue Sky laws (otherwise known as the Louisiana Securities Law), La. R.S. 51:712, 713, *et seq.*, and violation of the Louisiana Unfair Trade Practices and Consumer Protection Law, La. R.S. 51:1405, 1409, *et seq.*; and
  - (6) Any explicit or implicit allegations by Plaintiffs against TIER REIT based upon TIER REIT's conduct other than through its alleged agents, Jose Vasquez and UVEST.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all claims asserted by Plaintiffs against TIER REIT are Dismissed with Prejudice save and except for Plaintiffs' claim for rescission and/or relative nullification based solely upon the conduct of Jose Vasquez and UVEST as the alleged agents of TIER REIT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs do not dismiss their claims or causes of action against TIER REIT for rescission and/or relative nullification based upon the conduct of Jose Vasquez and UVEST as the alleged agents of TIER REIT.



IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that TIER REIT is not precluded from challenging or otherwise defending against any of Plaintiffs' claims or causes of action against TIER REIT.

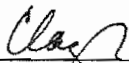
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs do not dismiss any of their claims or causes of action against any other defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Consent Judgment does not address the arbitration issue raised by TIER REIT in its Exception of No Right of Action/No Cause of Action since TIER REIT will raise such issue in a separate pleading to be filed with the Court.

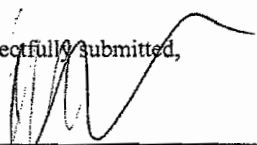
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs are deferred to the merits.

THUS ORDERED AND SIGNED at Lake Charles, Louisiana, this 6th day of

June, 2014.


  
\_\_\_\_\_  
DISTRICT JUDGE  
CLAYTON DAVIS

Respectfully submitted,

  
\_\_\_\_\_  
SCOTT J. SCOFIELD (#14429)  
Scofield, Gerard, Pohorelsky,  
Gallaughier & Landry  
901 Lakeshore Drive, Suite 900  
P.O. Drawer 3028 (70602)  
Lake Charles LA 70601  
(337) 433-9436 – Telephone  
(337) 436-5205 – Facsimile

**Attorneys for Defendant,  
TIER REIT, Inc., f/k/a  
Behringer Harvard REIT I, Inc.**

Agreed and Consented to by:

  
\_\_\_\_\_  
SOMER G. BROWN (#31462)  
Cox, Cox, Filo, Camel & Wilson, LLP  
723 Broad Street  
Lake Charles LA 70601  
(337) 436-6611 – Telephone  
(337) 436-9541 – Facsimile

**Attorney for Plaintiffs,  
Margaret Jo Price, Marc D. Lowenthal,  
The Michael Welsh Lowenthal Inter Vivos Trust #1,  
as Beneficiaries of Joseph Lowenthal, and Lowenthal, LLC**

**H. Lynn Jones II**  
Clerk of Court and Ex-Officio Recorder  
Fourteenth Judicial District of Louisiana  
Parish of Calcasieu  
Lake Charles, Louisiana

Post Office Box 1030  
Lake Charles, Louisiana 70602



Main: 337-437-3550  
Fax: 337-437-3350

June 16, 2014

TO: SCOTT SCOFIELD  
P.O. DRAWER 3028  
Lake Charles, LA 70602

RE: MARGARET JO PRICE  
VS. NO: 2014-000407  
JOSE A VASQUEZ

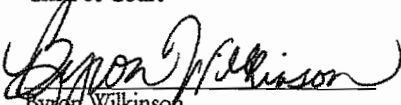
Dear SCOTT J SCOFIELD:

In accordance with Article 1913 of the Louisiana Code of Civil Procedure, you are hereby notified that Judgment was read and signed in the above numbered and entitled cause on the 6TH day of JUNE, 2014.

Yours very truly,  
H. Lynn Jones, II  
Clerk of Court

CC: SOMER G BROWN  
\*\*723 BROAD STREET  
Lake Charles, LA 70601

BY:

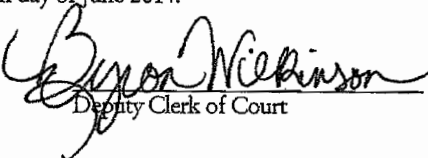
  
Byron Wilkinson  
Deputy Clerk of Court

CC: JOHN W JOYCE  
909 POYDRAS ST 24TH FLOOR  
NEW ORLEANS LA 70112

"PARTIAL FINAL CONSENT JUDGMENT"

\*RECORD\*

I hereby certify that the above and foregoing notice was mailed by me, postage prepaid to counsel of record for all parties and to those parties who were not represented by counsel, directed to their last known address, on this 16th day of June 2014.

  
Deputy Clerk of Court



C M S 4 4 2 4 6 5 4  
Filing Date: 06/16/2014 08:31 AM Page Count: 1  
Case Number: 2014-000407  
Document Name: Notice of Judgment Without Service

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
DIVISION OF ARBITRATION**

---

**In the Matter of Arbitration Between:**

**MARGARET JO PRICE, MARC  
D. LOWENTHAL, AS EXECUTOR  
OF THE ESTATE OF JOSEPH LOWENTHAL,  
MICHAEL WELSH LOWENTHAL  
INTER VIVOS TRUST #1,  
BENEFICIARIES OF JOSEPH  
LOWENTHAL, and LOWENTHAL, LLC**

**Claimants**

**VERSUS**

**JOSE A. VASQUEZ, TIER REIT, INC. F/K/A BEHRINGER HARVARD  
REIT I, INC., UVEST FINANCIAL SERVICES,  
INC., and UVEST BROKERAGE SERVICES**

**Respondents**


**MOTION TO DISMISS RESPONDENTS JOSE A. VASQUEZ, TIER REIT, INC. F/K/A  
BEHRINGER HARVARD REIT I, INC., UVEST FINANCIAL SERVICES, INC., AND  
UVEST BROKERAGE SERVICES WITH PREJUDICE**

Come now, Claimants Margaret Jo Price, Marc D. Lowenthal, as Executor of the Estate of Joseph Lowenthal, Michael Welsh Lowenthal Inter Vivos Trust #1, Beneficiaries of Joseph Lowenthal, and Lowenthal, LLC, who voluntarily dismiss all claims they have against Respondent Jose A. Vasquez, Tier Reit, Inc. f/k/a/ Behringer Harvard REIT I, Inc., Uvest Financial Services, Inc., and Uvest Brokerage Services with prejudice. Claimants are simultaneously dismissing their State Court action against Jose A. Vasquez, Tier Reit, Inc. f/k/a/ Behringer Harvard REIT I, Inc., Uvest Financial Services, Inc., and Uvest Brokerage Services, which has been stayed pending the outcome of this arbitration.

Respectfully submitted:

---

**COX, COX, FILO, CAMEL & WILSON, LLC**

By:   
**SOMER G. BROWN (La. Bar #31462)**  
723 Broad Street  
Lake Charles, LA 70601  
Telephone: 337-436-6611  
Facsimile: 337-436-9541  
Somer.Brown@coxcxfile.com

**Respondents have been served with copies of this pleading by electronic transmission to their respective counsels of record.**

MARGARET JO PRICE, MARC  
D. LOWENTHAL, AND THE  
MICHAEL WELSH LOWENTHAL  
INTER VIVOS TRUST #1,  
BENEFICIARIES OF JOSEPH  
LOWENTHAL, and  
LOWENTHAL, LLC

: 14TH JUDICIAL DISTRICT COURT

VS. NO. 14-0407-B

: PARISH OF CALCASIEU

JOSE A. VASQUEZ, UVEST  
FINANCIAL SERVICES, INC.,  
and TIER REIT, INC., F/K/A  
BEHRINGER HARVARD REIT I, INC.

: STATE OF LOUISIANA

FILED: \_\_\_\_\_

:

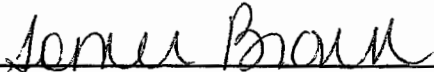
\_\_\_\_\_  
DEPUTY CLERK

**MOTION FOR DISMISSAL WITH PREJUDICE**

NOW INTO COURT, through undersigned counsel, comes Plaintiffs, MARGARET JO PRICE, MARC D. LOWENTHAL, AND THE MICHAEL WELSH LOWENTHAL INTER VIVOS TRUST #1, BENEFICIARIES OF JOSEPH LOWENTHAL AND LOWENTHAL, LLC, who moves this Honorable Court to dismiss with prejudice the above-numbered and entitled matter against Defendants, JOSE VASQUEZ, UVEST FINANCIAL SERVICES GROUP, INC. and BEHRINGER HARVARD REIT, I, INC., as to all claims with each party to bear their own costs of court in this litigation.

Respectfully submitted,

COX, COX, FILO, CAMEL & WILSON



SOMER G. BROWN

(La. Bar Roll No.: 31462)

723 Broad Street

Lake Charles, Louisiana 70601

Somer.Brown@coxcoxfilo.com

Telephone: 337-436-6611

Facsimile: 337-493-2330

MARGARET JO PRICE, MARC D. LOWENTHAL, AND THE MICHAEL WELSH LOWENTHAL INTER VIVOS TRUST #1, BENEFICIARIES OF JOSEPH LOWENTHAL, and LOWENTHAL, LLC : 14TH JUDICIAL DISTRICT COURT

VS. NO. 14-0407-B : PARISH OF CALCASIEU

JOSE A. VASQUEZ, UVEST FINANCIAL SERVICES, INC., and TIER REIT, INC., F/K/A BEHRINGER HARVARD REIT I, INC. : STATE OF LOUISIANA

FILED: \_\_\_\_\_ : \_\_\_\_\_  
DEPUTY CLERK

**ORDER**

The foregoing Motion considered:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the above-numbered and entitled action brought by Plaintiffs, MARGARET JO PRICE, MARC D. LOWENTHAL, AND THE MICHAEL WELSH LOWENTHAL INTER VIVOS TRUST #1, BENEFICIARIES OF JOSEPH LOWENTHAL AND LOWENTHAL, LLC be and the same is hereby dismissed with prejudice against Defendants, JOSE VASQUEZ, UVEST FINANCIAL SERVICES GROUP, INC. and BEHRINGER HARVARD REIT, I, INC, with each party to bear their own costs of court in this litigation.

Lake Charles, Calcasieu Parish, Louisiana this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing Motion for Dismissal with Prejudice and Order have been forwarded to all counsel of record by placing a certified copy of same in the U.S. Mail, postage pre-paid and properly addressed this 1 day of July, 2015.

  
**SOMER G. BROWN**