

472C

CAUSE NO. DC-11-13741-C

AMERICAN HERITAGE CAPITAL, LP,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
v.	§	68 <sup>TH</sup> JUDICIAL DISTRICT
	§	
DINAH GONZALEZ and ALAN,	§	
GONZALEZ,	§	
	§	
Defendants.	§	DALLAS COUNTY, TEXAS

**FINAL JUDGMENT**

On January 27, 2012, Plaintiff, American Heritage Capital, LP, filed its Notice of Non-Suit of Defendant Dinah Gonzalez Without Prejudice. On January 30, 2012, the Court entered an Order Granting Non-Suit of Defendant Dinah Gonzalez Without Prejudice dismissing this action against Defendant, Dinah Gonzalez, without prejudice.

On March 5, 2012, the Court heard the separate Motion to Dismiss filed by Defendant, Alan Gonzalez. Plaintiff, American Heritage Capital, LP, appeared by and through its attorneys of record, Bryan J. Wick and Jeffrey W. Hellberg, Jr. Defendant, Alan Gonzalez, appeared by and through his attorney of record, David M. O'Dens.

Following the hearing, on March 6, 2012, the Court entered an Order Granting Motion to Dismiss as to Defendant, Alan Gonzalez, dismissing this action against Defendant, Alan Gonzalez, with prejudice, reserving for a separate hearing the issues of damages and costs to be awarded Defendant, Alan Gonzalez, pursuant to § 27.009 of the Texas Civil Practice and Remedies Code.

On March 30, 2012, the Court commenced the hearing on the issues of damages and costs to be awarded Defendant, Alan Gonzalez, pursuant to § 27.009 of the Texas Civil

Practice and Remedies Code. Plaintiff, American Heritage Capital, LP, appeared by and through its corporate representative, Naushad Prasla and its attorneys of record, Bryan J. Wick and Jeffrey W. Hellberg, Jr. Defendant, Alan Gonzalez, appeared by and through his attorney of record, David M. O'Dens. At the conclusion of the hearing, the Court continued the hearing until April 5, 2012.

On April 5, 2012, the Court heard the request of Defendant, Alan Gonzalez, for damages and costs pursuant to § 27.009 of the Texas Civil Practice and Remedies Code. Plaintiff, American Heritage Capital, LP, appeared by and through its corporate representative, Naushad Prasla and its attorneys of record, Bryan J. Wick and Jeffrey W. Hellberg, Jr. Defendant, Alan Gonzalez, appeared in person and by and through his attorney of record, David M. O'Dens. At the conclusion of the hearing, the Court continued the hearing to April 13, 2012.

On April 13, 2012, the Court heard the request of Defendant, Alan Gonzalez, for damages and costs pursuant to § 27.009 of the Texas Civil Practice and Remedies Code. Plaintiff, American Heritage Capital, LP, appeared by and through its attorneys of record, Bryan J. Wick and Jeffrey W. Hellberg, Jr. Defendant, Alan Gonzalez, appeared by and through his attorney of record, David M. O'Dens.

The Court, having reviewed the pleadings in this action, reviewed the evidence of the parties and the arguments of counsel, finds that Defendant, Alan Gonzalez, should be awarded attorneys' fees and sanctions in this action, and that a Final Judgment should be entered in this action.

IT IS THEREFORE ORDERED that Defendant, Alan Gonzalez, pursuant to § 27.009 of the Texas Civil Practice and Remedies Code, shall have and recover from Plaintiff, American Heritage Capital, LP, reasonable attorneys' fees in the amount \$ ~~12,421.00~~ 15,616.

IT IS FURTHER ORDERED that Defendant, Alan Gonzalez, shall have and recover from Plaintiff, American Heritage Capital, LP, reasonable conditional attorneys' fees in the amount of \$7,500.00 in the event of an appeal to the Court of Appeals is made but is unsuccessful; the sum of \$2,000.00 in the event a Petition for Review is filed but not granted by the Supreme Court of Texas; and the sum of \$15,000.00 in the event a Petition for Review is granted, but the appeal to the Supreme Court of Texas is unsuccessful.

IT IS FURTHER ORDERED that Defendant, Alan Gonzalez, pursuant to § 27.009 of the Texas Civil Practice and Remedies Code, shall have and recover from Plaintiff, American Heritage Capital, LP, sanctions in the amount \$ 15,000.00 which the Court determines is sufficient to prevent Plaintiff, American Heritage Capital, LP, from bringing actions similar to this action.

IT IS FURTHER ORDERED all amounts awarded in the Final Judgment shall bear post-judgment interest at the rate of 5% per annum, pursuant to § 304.002 of the Texas Finance Code, from the date this Final Judgment until the date this Final Judgment is paid.

IT IS FURTHER ORDERED that all costs of court be taxed against Plaintiff, American Heritage Capital, LP.

IT IS FURTHER ORDERED that all writs and processes necessary for enforcement of collection of this judgment or the costs of court may issue as are necessary.

All other relief requested and not expressly granted herein is hereby denied. This judgment finally disposes of all parties and all claims and is appealable.

Dated: April 19th, 2012.

  
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Honorable Judge Presiding