

NO. 236-220623-06

LAINIE WHITMIRE and  
RAY WHITMIRE,

*Plaintiffs,*

vs.

NATIONAL CUTTING HORSE  
ASSOCIATION,

*Defendant.*

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

236<sup>TH</sup> JUDICIAL DISTRICT

**FINAL JUDGMENT**

On the 10th day of January 2011, came on to be heard the above-entitled and numbered cause. Plaintiff Lainie Whitmire ("**Whitmire**") and Defendant, National Cutting Horse Association ("**NCHA**"), appeared in person and by attorney of record and announced ready for trial. A jury, having been previously demanded, consisting of twelve qualified jurors was duly impaneled and the case proceeded to trial.

Prior to trial, summary judgment on all of Lainie Whitmire's claims against the NCHA in this case, except for false imprisonment and intentional infliction of emotional distress, had been granted by this Court, those claims were severed from this case and were appealed. The Second Court of Appeals affirmed this Court's grant of summary judgment on all claims except for the breach of oral agreement claim on which it found a fact issue and remanded that claim to this Court. Additionally, summary judgment on all claims asserted by Ray Whitmire against the NCHA in this case were granted by this Court before trial. Trial proceeded on Lainie Whitmire's claims for false imprisonment and breach of oral agreement and those claims were submitted to the jury. Issues relating to attorneys' fees were submitted to the Court by agreement of the parties. The

Copy mailed to each

Attorney of record

On FINAL JUDGMENT - 04750-018/232783

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*Court's Minutes*

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charge of the Court and the verdict of the jury are incorporated by reference for all purposes. After the jury returned its verdict, the parties filed post verdict motions including Plaintiff's Motion for Entry of Final Judgment, Plaintiff's Motion for Award of Costs and NCHA's Motion for Judgment or, in the Alternative New Trial. The parties also made submissions on their attorneys' fees claims.

The Court, having considered the verdict, the post-verdict motions, (including all responses and replies thereto) and all submissions on attorneys' fees is of the opinion that judgment should be rendered as follows:

**IT IS ORDERED, ADJUDGED AND DECREED** that Plaintiff Lainie Whitmire take nothing against the NCHA on her claims for breach of oral agreement, false imprisonment, exemplary damages and attorneys' fees.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Ray Whitmire take nothing by way of his claims against the NCHA for declaratory judgment, violations of due process, breach of fiduciary duty and attorneys' fees.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, as part of this judgment, NCHA recover from Plaintiff Lainie Whitmire reasonable and necessary attorneys' fees pursuant to Texas Civil Practice and Remedies Code § 37.009 in the amount of \$302,000<sup>00</sup> through the date of this Judgment.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, as part of this judgment, NCHA recover from Ray Whitmire reasonable and necessary attorneys' fees pursuant to Texas Civil Practice and Remedies Code § 37.009 in the amount of \$45,000<sup>00</sup> through the date of this Judgment.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, should Lainie Whitmire and/or Ray Whitmire appeal this judgment and be unsuccessful, the attorneys' fees award against Ray Whitmire will be increased by a further amount

of \$25,000.00 for an appeal to the intermediate appellate court; a further \$15,000.00 if a Petition for Review is filed; and a further \$25,000.00 if the error is granted.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the amounts awarded in this judgment shall bear interest at the highest rate allowed by law from the date of judgment until paid in full.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Court finds that good cause exists in this case to tax costs against the party incurring same and, therefore, all costs of court expended or incurred in this cause are adjudged against the party incurring same.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that all relief not expressly granted herein is denied and that this judgment disposes of all claims between the parties and is a final judgment.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that all writs and processes for the enforcement and collection of this judgment issue as necessary.

**SIGNED** this 15 day of April, 2011.

  
A handwritten signature in cursive script, appearing to read "Jon Lowe", is written over a horizontal line.

**JUDGE PRESIDING**