

Cause No. 2014-11694

Raquel Suarez, Lucila Suarez, Raquel
 Suarez, and Ruben Dario Suarez,
 Individually And As Heirs To And
 Representatives Of The Estate Of Jose
 Dario Suarez, Deceased §
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 vs. §
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 Austin Commercial, LP, Austin Bridge &
 Road, LP, Derr & Isbell Construction, §
 LLC, Genie Industries, Inc., Terex §
 Corporation, Flintco, LLC §

In The District Court Of
FILED
 Chris Daniel
 District Clerk
 AUG - 1 2016
 Time: 2:41
 Harris County, Texas
 By [Signature]
 Deputy
 Harris County, Texas

151st Judicial District

Final Judgment

On March 21, 2016, the Court called this case for trial. Plaintiffs, Raquel Suarez, Lucila Suarez; Raquel Suarez, and Ruben Dario Suarez, Individually And As Heirs To And Representatives Of The Estate Of Jose Dario Suarez, Deceased, appeared through their attorney and announced ready for trial. Defendants, Austin Commercial, LP, Austin Bridge & Road, LP, Derr & Isbell Construction, LLC, Genie Industries, Inc., Terex Corporation, Flintco, LLC, appeared through their attorneys and announced ready for trial.¹ The Court impaneled and swore the jury, which heard the evidence and arguments of counsel. The Court submitted questions, definitions, and instructions to the jury. In response, the jury made findings that the Court received, filed, and entered of record. The questions submitted to the

¹ Defendants Core Safety Group, LLC and Robishaw Engineering, Inc., also appeared through their attorneys. Core Safety Group, LLC was dismissed via directed verdict. Robishaw Engineering, Inc. was non-suited with prejudice.

jury and the jury's findings are attached as Exhibit 1 and incorporated by reference. Plaintiffs moved for judgment on the verdict. The Court considered the motion and grants it, and renders judgment for Plaintiffs. The Court denies Austin Bridge & Road's Motion to Disregard Certain Jury Findings and Motion for Judgment Notwithstanding the Verdict.

The amount of prejudgment interest earned under Texas Finance Code §304.104 is not reduced under § 304.105 because Austin Bridge and Road, LP did not make a written settlement offer that complied with § 304.106.

This is a suit for wrongful death and prejudgment interest is governed by Texas Finance Code § 304.101, *et seq.* Under § 304.104, prejudgment interest began on the date the suit was filed against defendant, which was March 6, 2014, ending on the day before the date May 22, 2016. Tex. Fin. Code § 304.104.

Therefore, the Court orders that plaintiff, Raquel [Soto Castillo] Suarez, recover from defendant, Austin Bridge & Road, LP, compensatory damages in the sum of \$7,720,000, punitive damages in the sum of \$700,000, prejudgment interest (against the sum of \$4,080,000) at the annual rate of 5%, in the sum of \$452,145.60, post-judgment interest on the total sum at the annual rate of 5%, and court costs.

The Court further orders that plaintiff, Lucila Suarez, recover from defendant, Austin Bridge & Road, LP, compensatory damages in the sum of \$1,000,000, punitive damages in the sum of \$300,000, prejudgment interest (against the sum of \$500,000) at the annual rate of 5%,

in the sum of \$55,410, post-judgment interest on the total sum at the annual rate of 5%, and court costs.

The Court further orders that plaintiff, Raquel Suarez, recover from defendant, Austin Bridge & Road, LP, compensatory damages in the sum of \$1,000,000, punitive damages in the sum of \$300,000, prejudgment interest (against the sum of \$500,000) at the annual rate of 5%, in the sum of \$55,410, post-judgment interest on the total sum at the annual rate of 5%, and court costs.

The Court further orders that plaintiff, Ruben Dario Suarez, recover from defendant, Austin Bridge & Road, LP, compensatory damages in the sum of \$1,000,000, punitive damages in the sum of \$300,000, prejudgment interest (against the sum of \$500,000) at the annual rate of 5%, in the sum of \$55,410, post-judgment interest on the total sum at the annual rate of 5%, and court costs.

The Court further orders that plaintiff, the Estate of Jose Dario Suarez, recover from defendant, Austin Bridge & Road, LP, compensatory damages in the sum of \$5,000,000, punitive damages in the sum of \$400,000, prejudgment interest (against the sum of \$5,000,000) at the annual rate of 5%, in the sum of \$554,100, post-judgment interest on the total sum at the annual rate of 5%, and court costs.

Defendant Core Safety Group, LLC was dismissed during trial on its motion for directed verdict after the close of Plaintiffs' evidence. After Plaintiffs closed their case in chief, and after arguments on directed verdict were made by all parties so-moving, Plaintiffs



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this August 4, 2016

Certified Document Number: 71315198 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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