

12/10/2024 4:27PM

Melisa Miller, District Clerk
Montgomery County, Texas

CAUSE NO. 24-03-03962

LEIGH ANN HOOD	§	IN THE DISTRICT COURT OF
vs.	§	MONTGOMERY COUNTY, TEXAS
MILL MAN STEEL, INC.	§	284 TH JUDICIAL DISTRICT

FINAL JUDGMENT

On December 6, 2024, Plaintiff's Motion for Summary Judgment was submitted to the Court for a ruling. The response focuses primarily on the fact that the *lis pendens* upon which this lawsuit was based was released, thereby making this case moot. Chapter 12 of the Civil Practice and Remedies Code disagrees. Chapter 12 creates a private cause of action. When a party prevails in proving that a party "ma[d]e, present[ed], or use[d] a document or other record with: (1) knowledge that the document or other record is a fraudulent court record or a fraudulent lien or claim against real or personal property or an interest in real or personal property; (2) inten[ding] that the document or other record be given the same legal effect as a court record or document of a court created by or established under the constitution or laws of this state or the United States or another entity listed in Section 37.01, Penal Code, evidencing a valid lien or claim against real or personal property or an interest in real or personal property; and (3) inten[ding] to cause another person to suffer: (A) physical injury; (B) financial injury; or (C) mental anguish or emotional distress", that party is entitled to recover:

- (1) the greater of:
 - (A) \$10,000; or
 - (B) the actual damages caused by the violation;
- (2) court costs;
- (3) reasonable attorney's fees; and
- (4) exemplary damages in an amount determined by the court.

TEX. CIV. PRAC. & REM. CODE §12.002(a) and (b). For that reason, the case remains live and is not moot; the Court makes that determination in support of its jurisdiction to decide the pending Motion given that the case upon which it is based is not moot.

Defendant further argues about a double recovery of attorney's fees here given the previous attorney's fees sanctions award. The Court is mindful of not making a double recovery, but the solution lies in both the fee ledgers to which no objection was lodged (no any objection to the appellate fees, nor counter affidavit to contents them substantively), as well as language indicating where Mill Man Steel, Inc.'s liability begins and Mr. Aguilar's ends. In that vein, the Court incorporates by reference as though set out fully herein the "SANCTIONS ORDER" dated June 27, 2024 and the "SANCTIONS ORDER ON REMAND" dated October 24, 2024, *except* for the provision reading, "It is further ORDERED that any award made against Mill Man Steel, Inc, in this case in a final judgment is to be paid by Arturo Cuauhtemoc Aguilar." It is ORDERED that the Court VACATES and makes unenforceable the previous Order that "any award made against Mill Man Steel, Inc, in this case in a final judgment is to be paid by Arturo Cuauhtemoc Aguilar."

Based upon the evidence presented in the Motion, it is:

ORDERED that Plaintiff's Motion for Summary Judgment is GRANTED.

It is further ORDERED, ADJUDGED and DECREED that Leigh Ann Hood have and recover from Mill Man Steel, Inc. the sum of \$10,000.00, for which let execution issue.

It is further ORDERED, ADJUDGED and DECREED that the Court makes the Sanctions Order/Sanctions Order on Remand final with signing this Judgment, such that Leigh Ann Hood shall have and recover from Arturo Cuauhtemoc Aguilar her reasonable and necessary attorney's fees in the sum of \$17,000.00, for which let execution issue *with the Court*

noting that this award is a judgment recitation of the award previously made and reviewed and approved by the appellate courts and is not being made in addition to the sanction which first levied in June 2024.

It is further ORDERED, ADJUDGED and DECREED that Leigh Ann Hood shall have and recover from Mill Man Steel, Inc. her reasonable and necessary attorney's fees in the sum of \$972.50, for which let execution issue.

It is further ORDERED, ADJUDGED and DECREED that in the event of an appeal to the intermediate Court of Appeals in which Mill Man Steel, Inc. does not prevail, Leigh Ann Hood shall have and recover from Mill Man Steel, Inc. her reasonable and necessary attorney's fees in the sum of \$15,000.00, for which let execution issue.

It is further ORDERED, ADJUDGED and DECREED that in the event of an appeal to the Texas Supreme Court in which Mill Man Steel, Inc. does not prevail, Leigh Ann Hood shall have and recover from Mill Man Steel, Inc. her reasonable and necessary attorney's fees in the sum of \$10,000.00, for which let execution issue.

It is further ORDERED, ADJUDGED and DECREED that Leigh Ann Hood shall have and recover from Mill Man Steel, Inc. all costs of court as determined by the District Clerk in a Bill of Costs, for which let execution issue.

It is further ORDERED, ADJUDGED and DECREED that Leigh Ann Hood shall have and recover from Mill Man Steel, Inc. post-judgment interest on all amounts awarded herein – *except for the \$17,000.00 sanctions award against Arturo Cuauhtemoc Aguilar for which no interest runs* – at the rate of 7.5% per annum from December 10, 2024 until the judgment is satisfied in full, for which let execution issue.

All other relief not expressly granted herein is denied. This Final Judgment is final as to all claims and parties and is appealable.

Signed 12/10/2024 3:02:45 PM _____



KRISTIN BAYS
Presiding Judge - 284th District Court