

SEP 10 2019

*Mullen Raper*  
COUNTY AND DISTRICT CLERK  
SOMERVELL COUNTY, TEXAS  
By MO Deputy

CAUSE NO. C10369

THE STATE OF TEXAS EX REL.  
GEORGE DARRELL BEST,  
Plaintiff,

V.

PAUL REED HARPER,  
Defendant.

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IN THE DISTRICT COURT OF

SOMERVELL COUNTY, TEXAS

249<sup>TH</sup> JUDICIAL DISTRICT

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FINAL JUDGMENT

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On August 20, 2019, this case was called for trial before the Court. The State of Texas (the "State") appeared through its counsel and through its representative and announced ready for trial. George Darrell Best ("Best") received timely and proper notice of the trial date and did not appear. Defendant Paul Reed Harper appeared through his counsel and in person and announced ready for trial.

All matters in controversy, legal, equitable, and factual, remaining on this remand, were submitted to the Court for its determination and the Court heard the evidence and arguments of counsel.

The Court orally RENDERED judgment for Defendant, Paul Reed Harper, on Friday August 23, 2019. This written judgment memorializes that rendition. Accordingly, the Court RENDERS judgment for Defendant, Paul Reed Harper, as follows:

The Court GRANTS Harper's Anti-SLAPP Motion to Dismiss ("Motion to Dismiss") the removal proceedings, in part; Harper's Motion to Dismiss the State's removal petition with respect to the State's allegations based on the Open Meetings Act is DENIED.

The Court finds that the State's petition to remove Harper based on violations of the Texas Open Meetings Act is moot.

The State's immunity from liability defense, which the Court finds the State asserted in the trial court for the first time after the Supreme Court of Texas remanded this case, is OVERRULED and DENIED in all respects.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that under § 27.009(a)(1) of the Texas Citizens Participation Act, Defendant's request for court costs, reasonable attorney's fees, and other expenses incurred in defending against the legal action is GRANTED against the State and Best, jointly and severally, and Defendant is awarded against the State and Best, jointly and severally, the following amounts of court costs, reasonable attorney's fees, and other expenses which the Court finds are reasonable and justice and equity requires:

1. \$227,083.00 in attorney's fees incurred to date, which the Court finds are reasonable.
2. \$6,640.00 in court costs and expenses, which the Court finds are reasonable.
3. Reasonable, conditional appellate fees as follows:
  - \$50,000.00 in the event the State or Best appeals this matter to the Waco Court of Appeals and Harper prevails;
  - \$12,000.00 in the event the State or Best seeks a petition for review from the Supreme Court of Texas and a response is requested and Harper prevails;
  - \$50,000.00 in the event the Supreme Court of Texas seeks briefing on the merits from Harper and Harper prevails;
  - \$15,000.00 in the event the Supreme Court of Texas grants oral argument and Harper prevails; and
  - \$10,000.00 in the event Harper must respond to a motion for rehearing at the Supreme Court of Texas by the State or Best and Harper prevails.

The foregoing conditional appellate attorney's fees represent the anticipated reasonable and necessary attorney's fees that would be incurred by Harper in defending an appeal from this Final Judgment.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that under § 27.009(a)(2) of the Texas Citizens Participation Act, Harper is awarded \$35,000.00 in sanctions against the State and Best, jointly and severally, and the Court finds that both the State and Best brought the legal action against Harper. The Court finds that \$35,000.00 sanctions is sufficient to deter the State and Best from bringing similar actions in the future.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Harper is entitled to recover from the State and Best post judgment interest on all of the above at a rate of five and one-quarter percent (5.25%), compounded annually, from the date this judgment is rendered until all amounts are paid in full.

This Judgment finally disposes of all claims and all parties and is final and appealable.

The Court orders execution to issue for this judgment as allowed by law.

Signed on this 10 day of September, 2019.

  
JUDGE PRESIDING