

**MODIFY and AFFIRM; Opinion Filed July 17, 2017.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-15-01252-CV**

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**WELLS FARGO BANK, N.A., AS SUCCESSOR TRUSTEE TO CHASE BANK OF TEXAS, N.A., FOR THE REVOCABLE TRUST ESTABLISHED BY ANGELA LEIGH SIMPSON STARRETT BY AGREEMENT DATED SEPTEMBER 8, 1999, Appellant**

**V.**

**ANGELA LEIGH MILITELLO, F/K/A ANGELA LEIGH SIMPSON STARRETT,  
Appellee**

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**On Appeal from the 298th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-10-06211**

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**SUPPLEMENTAL MEMORANDUM OPINION**

**Before Justices Bridges, Lang-Miers, and Schenck  
Opinion by Justice Lang-Miers**

In our opinion and judgment dated June 20, 2017, we modified the trial court's judgment in accordance with appellee Angela Leigh Militello's voluntary remittitur of past economic damages. We also suggested remittiturs of (1) \$689,391.11 in mental anguish damages and (2) \$691,663.53 in exemplary damages by appellee Angela Leigh Militello. We stated that if the remittiturs were filed within fifteen days of the date of the opinion, we would modify the trial court's judgment to award Militello \$310,608.89 in mental anguish damages and \$2,773,826.67 in exemplary damages, and affirm the trial court's judgment as modified.

On June 29, 2017, appellee timely filed her consent to the suggested remittiturs. Accordingly, we vacate our judgment, but not our opinion, dated June 20, 2017, and modify the

trial court's judgment to reflect the specified remittiturs. The trial court's judgment is modified to award Militello past economic damages of \$989,312.14, \$310,608.89 in mental anguish damages, and \$2,773,826.67 in exemplary damages against appellant Wells Fargo Bank, N.A. as Successor Trustee to Chase Bank of Texas, N.A., for the Revocable Trust Established by Angela Simpson Starrett by Agreement Dated September 8, 1999. *See* TEX. R. APP. P. 46.3. As modified, we affirm the trial court's judgment. This Court's opinion of June 20, 2017, otherwise remains in effect.

/Elizabeth Lang-Miers/  
ELIZABETH LANG-MIERS  
JUSTICE

151252SF.P05



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

WELLS FARGO BANK, N.A., AS  
SUCCESSOR TRUSTEE TO CHASE  
BANK OF TEXAS, N.A., FOR THE  
REVOCABLE TRUST ESTABLISHED BY  
ANGELA LEIGH SIMPSON STARRETT  
BY AGREEMENT DATED SEPTEMBER  
8, 1999, Appellant

On Appeal from the 298th Judicial District  
Court, Dallas County, Texas  
Trial Court Cause No. DC-10-06211.  
Opinion delivered by Justice Lang-Miers.  
Justices Bridges and Schenck participating.

No. 05-15-01252-CV      V.

ANGELA LEIGH MILITELLO, F/K/A  
ANGELA LEIGH SIMPSON STARRETT,  
Appellee

We vacate our judgment dated June 20, 2017. In accordance with this Court's opinion of June 20, 2017, and supplemental opinion of July 17, 2017, the judgment of the trial court is **MODIFIED** as follows:

Paragraph 1 of the trial court's judgment is **MODIFIED** to award appellee Angela Leigh Militello, f/k/a Angela Leigh Simpson Starrett past economic damages in the amount of \$989,312.14.

Paragraph 3 of the trial court's judgment is **MODIFIED** to award appellee Angela Leigh Militello, f/k/a Angela Leigh Simpson Starrett past mental anguish damages in the amount of \$310,608.89.

Paragraph 4 of the trial court's judgment is **MODIFIED** to award appellee Angela Leigh Militello, f/k/a Angela Leigh Simpson Starrett exemplary damages in the amount of \$2,773,826.67.

In Paragraph 9 of the trial court's judgment, the amount of \$2,328,448.35 is deleted, and the amount of \$1,299,921.03 is inserted in its place.

It is **ORDERED** that, as modified, the judgment of the trial court is **AFFIRMED**.

It is **ORDERED** that the costs of this appeal be apportioned 75 percent to appellant Wells Fargo Bank, N.A., as Successor Trustee To Chase Bank of Texas, N.A., for the Revocable Trust Established by Angela Leigh Simpson Starrett by Agreement Dated September 8, 1999, and 25 percent to appellee Angela Leigh Militello, f/k/a Angela Leigh Simpson Starrett.

Judgment entered this 17th day of July, 2017.