



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-12-00330-CV

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**DAVID NEAL DUNCAN, APPELLANT**

**V.**

**GARY F. PRESCOTT, APPELLEE**

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On Appeal from the 251st District Court  
Randall County, Texas  
Trial Court No. 60,787-C, Honorable Don Emerson, Presiding

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November 14, 2013

**ON CONSENT TO REMITTITUR**

**Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.**

Appellee, Gary F. Prescott, has timely filed with this Court his consent to remittitur as suggested by this Court's order dated October 11, 2013. *See Duncan v. Prescott*, No. 07-12-00330-CV, 2013 Tex.App. LEXIS 12705, at \*16–17 (Tex. App.—Amarillo Oct. 11, 2013, order). Pursuant to our order and in accordance with Prescott's consent to the remittitur, we reform the trial court's judgment to reflect that Prescott recover from David Neal Duncan \$10,000.00 in exemplary damages along with

\$1,650.00 in compensatory damages as already recited in the trial court's original judgment. See TEX. R. APP. P. 46.3.

We affirm the trial court's judgment as so reformed. See TEX. R. APP. P. 43.2(b).

Mackey K. Hancock  
Justice