

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LINDA PEACOCK,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 05-0377-KD-C
)	
BURNEY H. MERRILL, WILLIS C.)	
MERRILL and J. COLLIER MERRILL,)	
)	
Defendants.)	

FINAL JUDGMENT

This matter came before the Court for a jury trial with the undersigned judge presiding. .

At the close of the Plaintiff's case, the Court granted Defendants' motion for judgment as a matter of law as to Plaintiff's claims (as asserted in the Second Amended Complaint) for intentional interference with business relationships (Count Three), breach of fiduciary duty (Count Four) and oppression of a minority shareholder (Count Seven). At the close of all the evidence, the Court granted Plaintiff's motion for a judgment as a matter of law as to Defendants' counterclaim for slander of title. Pursuant to Fed. R. Civ. P. 39(c), the jury rendered an advisory verdict with respect to the issues presented in Plaintiff's declaratory judgment claim (Count One) and rendered a verdict on Plaintiff's claims for conversion (Counts Two), civil conspiracy (Count Five) and money had and received (Count Six). The jury has rendered its verdict, and the Court has adopted the jury's advisory verdict. It is therefore **ORDERED, ADJUDGED and DECREED** that:

(1) Plaintiff's request for a judgment declaring that she "was and is the owner of fifteen percent (15%) interest in the Floragon Companies," entitled to distributions, profits and rights of ownership is **denied**.

(2) Plaintiff is awarded nothing and this action is **dismissed** on the merits, with costs taxed in accordance with 28 U.S.C. § 1920 and Local Rule 54.1.

DONE this 10th day of March, 2010.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE