

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

ORTHOFFLEX SADDLEWORKS, INC.

PLAINTIFF

vs. CASE NO. 1:10-CV-1079

WESTERN HERITAGE INSURANCE COMPANY

DEFENDANT

JUDGMENT

On the 24th day of January 2012, this matter came on for trial to a duly selected jury consisting of eight members, the Honorable Robert T. Dawson presiding. The trial continued until January 25, 2012, when the case was submitted to the jury on interrogatories with a unanimous verdict as follows:

INTERROGATORY NO. 1:

Do you find from a preponderance of the evidence that Defendant, Western Heritage Insurance Company, breached its contract with Orthoflex Saddleworks, Inc. as described in Instruction Nos. 13, 14, and 15?

 √ YES

 NO

INTERROGATORY NO. 2:

If you answer "YES" to Interrogatory No. 1, state the amount of damages you find were sustained by Orthoflex

Saddleworks, Inc., as described in Instruction No. 16. This amount of damages should reflect the damages in excess of the stipulated amount set out in Instruction No. 15.

DAMAGES \$ 168,363.20

As stipulated to by the parties, the judgment of the jury in the amount of \$168,363.20 shall be in addition to the stipulated amount reflected in Instruction No. 15; \$11,799.48 less the applicable deductible of \$2,500.00. The calculated award of damages is therefore \$177,662.68.

IT IS ORDERED AND ADJUDGED in accordance with this jury verdict Plaintiff Orthoflex Saddleworks, Inc. should have and recover of and from Defendant Western Heritage Insurance Company \$177,662.68, plus interest from the date of this judgment until paid at the current post-judgment interest rate of .11% per annum. The parties are directed to file any post-trial motions concerning attorney's fees, statutory penalties, and any additional interest within 14 days.

IT IS SO ORDERED this 27th day of January 2012.

/s/ Robert T. Dawson
Robert T. Dawson
United States District Judge