

United States District Court
Southern District of Texas

ENTERED

August 17, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

B CHOICE LIMITED,

Plaintiff,

v.

EPICENTRE DEVELOPMENT
ASSOCIATES, LLC, *et al.*,

Defendants.

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CIVIL ACTION H-14-2096

FINAL JUDGMENT

This case was tried to a unanimous jury verdict in favor of plaintiff B Choice Limited. Dkt. 322. The plaintiff has elected its remedies as required (Dkt. 344), and filed an unopposed motion for entry of judgment (Dkt. 345).

Therefore, the Court ORDERS that Plaintiff B Choice Limited recover against Defendants, as follows:

On Plaintiff’s claims under 18 U.S.C. §§ 1962(c) and 1962(d) of the Racketeering Influenced and Corrupt Organizations Act (“RICO”), **\$74,833,000** *jointly and severally* against

- Omar Botero
- Albert Delaney
- Alianza Financial Services, LLC
- Alianza Holdings, LLC
- Vanguard Equity Holdings, LLC
- Vantage Equity Holdings, LLC
- Vantage Financial Services, LLC
- Vantage Plus Corp.
- Vantage Plus Development Company, LLC, and
- Vantage Realty Holdings VI-X, LLC.

On Plaintiff's claims for common law fraud, against

Epicentre Development Associates II, LLC, for **\$178,250** (proportionately 1% of \$17,825,000), and *jointly and severally* with its common law co-conspirators against whom the common law fraud remedy was not here elected, Omar Botero, Albert Delaney, EpiCentre Development Associates, LLC, Alianza Financial Services, LLC, Alianza Holdings, LLC, Vanguard Equity Holdings, LLC, Vantage Equity Holdings, LLC, Vantage Financial Services, LLC, Vantage Plus Corp., Vantage Plus Development Company, LLC, and Vantage Realty Holdings VI-X, LLC, for **\$17,646,750**;

and

Andrea Frattini for **\$1,782,500** (proportionately 10% of \$17,825,000),

Pierluigi Guiduzzi for **\$178,250** (proportionately 1% of \$17,825,000), and

F&G Consultancy, Ltd, for **\$178,250** (proportionately 1% of \$17,825,000).

Plaintiff shall take nothing against PLG Consulting Ltd. for common law fraud.

On Plaintiff's claims for breach of fiduciary duty, **\$568,000** against Andrea Frattini.

On Plaintiff's claims for breach of contract, Capital Subscription Agreement, the restitution interest of **\$11,000,000** against EpiCentre Development Associates, LLC.

On Plaintiff's claims for breach of contract, 2011 promissory note, the restitution interest of **\$13,650,000** against EpiCentre Development Associates, LLC.

On Plaintiff's claims on disregarding the corporate form based on perpetrating an actual fraud, a judgment that Andrea Frattini and Pierluigi Guiduzzi are personally liable for the conduct of F&G Consultancy, Ltd.

On Plaintiff's claims of a conspiracy, a judgment that each of the following were part of a conspiracy to commit fraud that damaged Plaintiff: Omar Botero, Albert Delaney, EpiCentre Development Associates, LLC, EpiCentre Development Associates II, LLC, Alianza Financial Services, LLC, Alianza Holdings, LLC, Vanguard Equity Holdings, LLC, Vantage Equity Holdings, LLC, Vantage Financial Services, LLC, Vantage Plus Corp., Vantage Plus Development Company, LLC, and Vantage Realty Holdings VI-X, LLC.

On Plaintiff's claims for exemplary damages, against

Andrea Frattini, for **\$10,000**
F&G Consultancy, Ltd, for **\$5,000**, and
Pierluigi Guiduzzi, for **\$1**.

Attorneys' fees on all claims and causes of action where a judgment entitling Plaintiff to such fees is entered, as determined by this Court on the application of Plaintiff.

Pre-judgment interest on Plaintiff's judgment for common law fraud of \$17,825,000, at the rate of 5.0% per year, per Texas law, from July 22, 2014, until the day preceding entry of judgment, at the rate of \$2,442 per day, recoverable from those Defendants against whom judgment on common law fraud is entered, in proportion to their liability, or jointly or severally, if applicable.

Pre-judgment interest on Plaintiff's judgment for breach of fiduciary duty of \$568,000, at the rate of 5.0% per year, per Texas law, from July 22, 2014, until the day preceding entry of judgment, at the rate of \$78 per day, recoverable from Andrea Frattini.

Pre-judgment interest on Plaintiff's judgment for breach of contract of \$11,000,000, the restitution interest on the Capital Subscription Agreement, at the rate of 5.0% per year, Texas law, from July 22, 2014, until the day preceding entry of judgment, at the rate of \$1,507 per day, recoverable from EpiCentre Development Associates, LLC.

Pre-judgment interest on Plaintiff's judgment for breach of contract of \$13,650,000, the restitution interest on the 2011 promissory note, at the rate of 3.0%, per agreement, per year, from July 28, 2011, to July 28, 2012, or \$409,500, and at the rate of 6.0% per agreement (the "Default Rate"), per year, from July 29, 2012, until the day preceding entry of judgment, at the rate of \$2,244 per day, recoverable from EpiCentre Development Associates, LLC.


Plus, post-judgment interest at the rate 1.22% per year, per 28 U.S.C. § 1961(a).

Costs are awarded to the Plaintiff.

The Counter Plaintiff, EpiCentre Development Associates, LLC shall take nothing in its counterclaim against the Plaintiff B Choice Limited.

This is a FINAL JUDGMENT

Signed at Houston, Texas on August 17, 2017.



Gray H. Miller
United States District Judge

APPROVED AS TO FORM ONLY:

/s/ Francis I. Spagnoletti

Francis I. Spagnoletti
Counsel for B Choice Limited

/s/ Erik A. Knockaert

Erik A. Knockaert
Counsel for
EpiCentre Development Associates, LLC;
EpiCentre Development Associates II, LLC;
Alianza Financial Services, LLC; Alianza Holdings,
LLC; Vanguard Equity Holdings, LLC; Vantage
Equity Holdings, LLC; Vantage Financial Services,
LLC; Vantage Plus Corp.; Vantage Plus
Development Company, LLC; Vantage Realty
Holdings VI-X, LLC; Omar Botero, Jr. a/k/a Omar
Botero; and Albert F. Delaney

/s/ Kenneth P. Held

Kenneth P. Held
Counsel for Pierluigi Guiduzzi and
PLG Consulting Ltd.

/s/ Maria-Vittoria "Giugi" Carminati

Maria-Vittoria "Giugi" Carminati
Counsel for Andrea Frattini

/s/ Robert A. Wilkins

Robert A. Wilkins
Counsel for F&G Consultancy Ltd.