

Affirmed; Opinion Filed December 1, 2014.



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

No. 05-14-00128-CV

ESTATE OF ARDYCE DEUEL-NASH, DECEASED

**On Appeal from the Probate Court No. 1
Dallas County, Texas
Trial Court Cause No. PR 13-682-1**

SUPPLEMENTAL MEMORANDUM OPINION

Before Justices Francis, Myers, and Thomas¹
Opinion by Justice Myers

After this Court issued its opinion on the merits, Jennifer Stanton timely filed her request for damages under Texas Rule of Appellate Procedure 45 supported by the affidavits of her attorneys. *See* TEX. R. APP. P. 45. Stanton requests attorney's fees of \$11,975 and expenses of \$191.25 suffered as damages from Nash's frivolous appeal.

The \$191.25 for expenses and \$9,650 of the attorney's fees appear to be damages Stanton suffered from Nash's bringing this frivolous appeal. The attorneys' billing entries for February 6, 7, 10, 11, 13, and 20, 2014 do not appear to be related to this appeal. These entries are not evidence of damages suffered from the frivolous appeal. The entries for February 3, 4, 18, and 21, 2014 each lists multiple activities, but not all relate to the appeal. We have reduced the award of damages for these entries to one quarter hour (\$75) each. The remaining entries are evidence of Stanton's damages.

¹ The Honorable Linda Thomas, Chief Justice (Ret.), Court of Appeals, Fifth District of Texas at Dallas, sitting by assignment.

We conclude the affidavits and supporting billing documents support an award of damages to Stanton for attorney's fees of \$9,650.00 and expenses of \$191.25 for total damages of \$9,841.25. Accordingly, we order that Stanton recover damages of \$9,841.25 from Nash for the filing of a frivolous appeal.

/Lana Myers/
LANA MYERS
JUSTICE

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

JUDGMENT

ESTATE OF ARDYCE DEUEL-NASH,
DECEASED

No. 05-14-00128-CV

On Appeal from the Probate Court No. 1,
Dallas County, Texas

Trial Court Cause No. PR 13-682-1.

Opinion delivered by Justice Myers. Justices
Francis and Thomas participating.

We **VACATE** this Court's judgment of November 4, 2014. The following is now the judgment of this Court.

In accordance with this Court's opinion of November 4, 2014, and the supplemental opinion of this date, the judgment of the trial court is **AFFIRMED**.

It is **ORDERED** that appellee Jennifer Stanton recover her costs of this appeal from appellant Monte Nash.

It is further **ORDERED** that appellee Jennifer Stanton recover damages of \$9,841.25 from appellant Monte Nash for the filing of a frivolous appeal.

Judgment entered this 1st day of December, 2014.