

REVERSE and RENDER in Part, and MODIFY and AFFIRM, in Part; Opinion Filed December 14, 2018.



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

No. 05-17-01051-CV

**DALLAS AREA RAPID TRANSIT AND NANCY K. JOHNSON, Appellants
V.
AMALGAMATED TRANSIT UNION LOCAL NO. 1338, Appellee**

**On Appeal from the 95th Judicial District Ct
Dallas County, Texas
Trial Court Cause No. DC-13-05156**

SUPPLEMENTAL MEMORANDUM OPINION

Before Justices Lang, Fillmore, and Schenck
Opinion by Justice Fillmore

In our opinion dated November 27, 2018, we suggested a remittitur of \$3,843.99 of the out-of-pocket costs awarded to Amalgamated Transit Union Local No. 1338 (ATU 1338). We stated that if the remittitur was filed by ATU 1338 within fifteen days of the date of the opinion, we would modify the trial court's judgment with respect to the out-of-pocket costs awarded.

On December 7, 2018, ATU 1338 timely filed its remittitur and asked this Court to modify the trial court's judgment to reflect the suggested remittitur. Accordingly, we vacate our judgment, but not our opinion, dated November 27, 2018, and modify the trial court's judgment with respect to the out-of-pocket costs awarded to ATU 1338 to reflect the remittitur of \$3,843.99.

As indicated in our original opinion, we reverse the trial court's judgment to the extent it awards ATU 1338 \$2,520,000 for past injury to reputation and render judgment that ATU 1338 take nothing on its claim for past injury to reputation. The trial court's judgment is modified to award ATU 1338 \$16,156.01 in out-of-pocket costs and, as modified, the trial court's award of out-of-pocket costs to ATU 1338 is affirmed. *See* TEX. R. APP. P. 46.3. In all other respects, the trial court's judgment is affirmed.

/Robert M. Fillmore/

ROBERT M. FILLMORE
JUSTICE

171051SF.P05



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

JUDGMENT

DALLAS AREA RAPID TRANSIT AND
NANCY K. JOHNSON, Appellants

No. 05-17-01051-CV V.

AMALGAMATED TRANSIT UNION
LOCAL NO. 1338, Appellee

On Appeal from the 95th Judicial District
Ct, Dallas County, Texas,
Trial Court Cause No. DC-13-05156.
Opinion delivered by Justice Fillmore,
Justices Lang and Schenck participating.

We vacate our judgment dated November 27, 2018. In accordance with this Court's opinion of November 27, 2018, and supplemental opinion of this date, we **REVERSE** the judgment of the trial court to the extent it awards appellee Amalgamated Transit Union Local No. 1338 \$2,520,000 for past injury to reputation and **RENDER** judgment that appellee Amalgamated Transit Union Local No. 1338 take nothing on its breach of contract claim against appellants Dallas Area Rapid Transit and Nancy K. Johnson for past injury to reputation.

We **MODIFY** the trial court's judgment to award appellee Amalgamated Transit Union Local No. 1338 out-of-pocket costs of \$16,156.01 and, as modified, **AFFIRM** the trial court's award of out-of-pocket costs to appellee Amalgamated Transit Union Local No. 1338.

In all other respects, the trial court's judgment is **AFFIRMED**.

It is **ORDERED** that each party bear its own costs of this appeal.

Judgment entered this 14th day of December, 2018.