

Affirmed as Reformed and Opinion Filed February 4, 2022



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

No. 05-20-00020-CV

**THB CONSTRUCTION, LLC AND TRAVIS MICHAEL BONEY,
Appellants**

V.

HOLT TEXAS, LTD. D/B/A HOLT CAT, Appellee

**On Appeal from the 160th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-16-08917**

SUPPLEMENTAL MEMORANDUM OPINION

Before Justices Myers, Partida-Kipness, and Carlyle
Opinion by Justice Partida-Kipness

In our opinion dated January 13, 2022, we suggested a remittitur of \$67,840.00 of attorney's fees awarded to the appellee. We stated that if the remittitur was filed by the appellee within fifteen days of the date of the opinion, we would reform the trial court's judgment with respect to the attorney's fees award and affirm as reformed. If the appellee did not timely file a remittitur, we would reverse the trial court's judgment with respect to attorney's fees and remand the case for a new hearing on the issue of attorney's fees.

On January 26, 2022, the appellee filed its remittitur and asked this Court to reform the trial court's judgment to reflect the requested remittitur. Accordingly, we vacate our judgment, but not our opinion, dated January 13, 2022, and reform the trial court's judgment with respect to the attorney's fees awarded to the appellee to reflect the remittitur of \$67,840.00. We affirm the trial court's judgment as reformed. *See* TEX. R. APP. P. 46.3.

/Robbie Partida-Kipness/
ROBBIE PARTIDA-KIPNESS
JUSTICE

200020F.P05



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

JUDGMENT

THB CONSTRUCTION, LLC AND
TRAVIS MICHAEL BONEY,
Appellants

No. 05-20-00020-CV V.

HOLT TEXAS, LTD. D/B/A HOLT
CAT, Appellee

On Appeal from the 160th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-16-08917.
Opinion delivered by Justice Partida-
Kipness. Justices Myers and Carlyle
participating.

We **VACATE** our judgment dated January 13, 2022. In accordance with this Court's opinion of January 13, 2022, and supplemental opinion of this date, the judgment of the trial court is **AFFIRMED** as reformed.

We **REFORM** the trial court's judgment to award appellee attorney's fees of \$67,840.00 and, as reformed, **AFFIRM** the trial court's award of attorney's fees.

We **AFFIRM** the remainder of the trial court's judgment.

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

Judgment entered this 4th day of February 2022.