

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-20-00040-CV

**KYLE M. JAEGER AND
JAEGER REO HOLDING TRUST, Appellants**

V.

SCOTT BROWN, Appellee

**On Appeal from the 284th District Court
Montgomery County, Texas
Trial Cause No. 18-05-06244-CV**

SUPPLEMENTAL OPINION

On August 4, 2022, we issued our original opinion in this case, conditionally affirming the trial court’s judgment and suggesting a remittitur, which when combined totals \$247,500. *See* Tex. R. App. P. 46.3. We further provided that should the appellee, Scott Brown, file a remittitur within fifteen days from the date of our opinion and agree to

accept the proposed remittitur, we would reform the trial court's judgment, reducing the trial court's awards of economic and punitive damages to the amounts the evidence supported and then affirm the judgment as reformed, except for the amount awarded to Brown for attorney's fees. On August 19, 2022, Brown filed a remittitur with the Clerk of the Court, in which he stated he would accept the remittitur, as suggested by the Court. In the remittitur that Brown filed, he asked the Court to affirm the economic and exemplary damages awards as reformed.

Because Brown agreed to the proposed remittitur, we issue this supplemental opinion. In accordance with our original opinion and Brown's timely-filed remittitur, the trial court's judgment is reformed as follows. The trial court's economic and exemplary damages awards are reduced by \$247,500, which represents a reduction of \$83,500 of the amount awarded in the original judgment as economic damages and a reduction of \$165,000 of the amount awarded in the original judgment as exemplary damages. Consequently, page two of the trial court's Final Default Judgment, as reformed, states:

It is ORDERED, ADJUDGED and DECREED that Scott Brown, Plaintiff, shall have as JUDGMENT against Kyle M.

Jaeger and the Jaeger Reo Holding Trust, Defendants, the following:

Economic Damages in the amount of \$409,250.00.

Exemplary Damages in the amount of \$818,500.00.

To the extent the judgment awards attorney's fees to Scott Brown, the Court REVERSES the attorney's fees award, and we REMAND the case to the trial court for further proceedings solely on Brown's claims against Kyle M. Jaeger and the Jaeger Reo Holding Trust on the issue of attorney's fees, if any, recoverable under the theories raised by Brown in Plaintiff's Original Petition. And since the appellants did not challenge the trial court's awards of prejudgment or post-judgment interest in their appeal from the trial court's judgment, those awards are affirmed.

Because the appellants were successful in only a small part of their appeal, we order costs of the appeal assessed ninety percent (90%) against the appellants and ten percent (10%) against the appellee. Based on the above, the trial court's judgment, with the exception of the attorney's fees awarded in the trial court's judgment, is affirmed as reformed. The Court's original opinion explaining how the Court resolved the issues raised in the appeal remains in effect.

We order the Court's decision certified below for observance.

AFFIRMED AS REFORMED IN PART, REVERSED AND
REMANDED IN PART.

HOLLIS HORTON
Justice

Submitted on September 28, 2021
Opinion Delivered September 8, 2022

Before Kreger, Horton and Johnson, JJ.