



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-18-00119-CV

EUSEBIO PALACIOS

APPELLANT

V.

JAYABEN PATEL

APPELLEE

FROM THE 48TH DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NO. 048-262207-12

CONCURRING MEMORANDUM OPINION¹

While I do not agree with all that is expressed in the majority's opinion or its assessment regarding the existence of a "*Casteel* situation" in the context of a trial to the bench, I concur that the trial court erred by rendering judgment against Palacios for fraud and negligence and by awarding damages in the amount of

¹See Tex. R. App. P. 47.4.

\$135,000, exemplary damages, and attorney's fees. I also concur that a new trial should be granted, but I would decline to suggest a remittitur.

/s/ Bonnie Sudderth

BONNIE SUDDERTH
CHIEF JUSTICE

DELIVERED: June 7, 2018