



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-18-00126-CV

JAN MOGGED, JAMES RICHARD FLETCHER, AND MICHAEL ALAN
TAYLOR, Appellants and Appellees

V.

BOBBY WAYNE LINDAMOOD JR. AND JR'S DEMOLITION & EXCAVATION,
INC., Appellees and Appellants

On Appeal from the 348th District Court
Tarrant County, Texas
Trial Court No. 348-278342-15

Concurring and Dissenting Memorandum Opinion by Chief Justice Quinn

**CONCURRING AND DISSENTING MEMORANDUM OPINION ON EN
BANC RECONSIDERATION**

I respectfully dissent from the majority en banc opinion to the extent that the majority dismisses the defamation claim asserted by Bobby Wayne Lindamood Jr. against Michael Alan Taylor for the reasons expressed in the original panel opinion I authored. I also dissent from the majority opinion to the extent that it 1) reverses and remands to the trial court the issue of an award of attorney's fees against Lindamood and JR's Demolition & Excavation, Inc. in favor of Taylor and 2) affirms the award of sanctions against Lindamood and JR's Demolition in favor of Taylor. I concur in the majority's disposition of the remaining issues.

/s/ Brian Quinn
Brian Quinn
Chief Justice

Delivered: December 3, 2020