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CERTIFICATE OF JUDGEMENT


20050506000218840 1/5 \$23.00
Shelby Cnty Judge of Probate, AL
05/06/2005 03:18:14PM FILED/CERT

CV 2002 004270.00
JOSEPH L. BOOHAKER

IN THE CIRCUIT COURT OF JEFFERSON COUNTY

DONALD WHITFIELD CROSS ET AL VS MAHAN MAHAN & MAHAN INC ET AL

DEFENDANT

PARTY'S ATTORNEY:

M & C HEARING INC
%WILLIAM B MAHAN JR
1011 S 9TH STREET
LEESBURG, FL 34748-0000

I, ANNE-MARIE ADAMS, CLERK OF THE ABOVE NAMED COURT HEREBY
CERTIFY THAT ON 04/07/2005 PLAINTIFF, CROSS DONALD WHITFIELD RECOVERED
OF DEFENDANT IN SAID COURT A JUDGEMENT WITHOUT WAIVER OF EXEMPTIONS FOR THE
SUM OF \$1,290,918.09 DOLLARS PLUS \$473.00 DOLLARS COURT COSTS, AND
THAT THE PLAINTIFF'S ATTORNEY(S) OF RECORD WAS:
HEIDT FRANCES

SEE ATTACHED ORDER PER SEPARATE PAPER

GIVEN UNDER MY HAND THIS DATE 05/02/2005



CLERK: ANNE-MARIE ADAMS
RM 400 JEFF CO COURTHOUSE
BIRMINGHAM AL 35203
(205) 325-5355

OPERATOR: EDH
PREPARED: 05/02/2005

PLAINTIFF'S ATTORNEY:

WHITE JAMES HERBERTIV
SUITE 1600
420 NORTH 20TH STREET
BIRMINGHAM AL 35203

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FILED IN OFFICE

DONALD WHITFIELD CROSS, *et al.*)

Plaintiffs,)

v.)

MAHAN, MAHAN & MAHAN, INC.,)
et al.)

Defendants.)

APR 07 2005

ANNE-MARIE ADAMS

CV-02-4270 Clerk

**ORDER DIRECTING ENTRY OF FINAL JUDGMENT
PURSUANT TO RULE 54(b), ALA. R. CIV. P.**

This matter came before the Court, pursuant to Rule 54(b), Ala. R. Civ. P., on the Motion for Entry of Final Judgment filed by Plaintiffs, Donald W. and Cynthia J. Cross ("Plaintiffs"), against Defendants Mahan, Mahan & Mahan Investments, Inc. ("Mahan Investments"), William² Barton Mahan, Sr. ("Bill Mahan"), Troy Christopher Mahan ("Troy⁴ Mahan"), and M&C⁷ Hearing, Inc. ("M&C"). Based upon the motion, the pleadings of record, the arguments and representations of counsel, and all other matters brought before the Court, the Court makes the following findings of fact and conclusion of law:

1. On September 24, 2004, this Court submitted to the jury four counts: (1) breach of contract; (2) fraudulent misrepresentation; (3) fraudulent suppression; and (4) conversion.

2. The jury rendered a verdict in favor of the Plaintiffs against Mahan Investments, Bill Mahan, and Troy Mahan on all four counts.
3. The jury awarded Plaintiffs \$237,274 in compensatory damages and \$1,500,000 in punitive damages.
4. By Order of February 25, 2005, the Court granted Defendants' request, pursuant to Ala. Code § 6-11-21, *et seq.*, for a reduction of the punitive damage award and reduced the punitive damage award to \$711,822, an amount equal to three times the amount of compensatory damages awarded by the jury.
5. By Order of March 22, 2005, the Court granted Plaintiffs' Motion for Award of Attorney's Fees and Expenses and awarded Plaintiffs attorney's fees and expenses against Defendant Mahan Investments in the amount of \$341,882.09, pursuant to the fee shifting provision in the underlying contract.
6. The Defendants have stipulated that a judgment against Mahan Investments shall be enforceable against M&C.
7. The jury verdict did not dispose of Plaintiffs' fraudulent conveyance claims. Before the September 2005 trial, Defendants sought and obtained, over Plaintiffs' objection, an order directing a separate trial on the fraudulent conveyance claims on the basis that the fraudulent conveyance claims were separate and distinct from the claims that were submitted to the jury.

8. The Court EXPRESSLY DETERMINES that there is no just reason for delay in the entry of a judgment against Mahan Investments, M&C, Bill Mahan, and Troy Mahan. As Defendants acknowledged, the fraudulent conveyance claims are separate and distinct from the underlying breach of contract, fraudulent misrepresentation, fraudulent suppression, and conversion claims and are not so closely intertwined with the underlying claims as to create an unreasonable risk of inconsistent results if appealed separately.

Wherefore, the Court expressly directs that final judgment be entered pursuant to Rule 54(b), Ala. R. Civ. P., as follows:

(1) That final judgment shall be entered against Mahan Investments, M&C, Bill Mahan, and Troy Mahan, jointly and severally, for \$237,274 in compensatory damages and \$711,822 in punitive damages;

(2) That, in addition to the amounts specified in (1) above, final judgment shall be entered against Mahan Investments and M&C, jointly and severally, for \$341,822.09 in attorney's fees and expenses; and

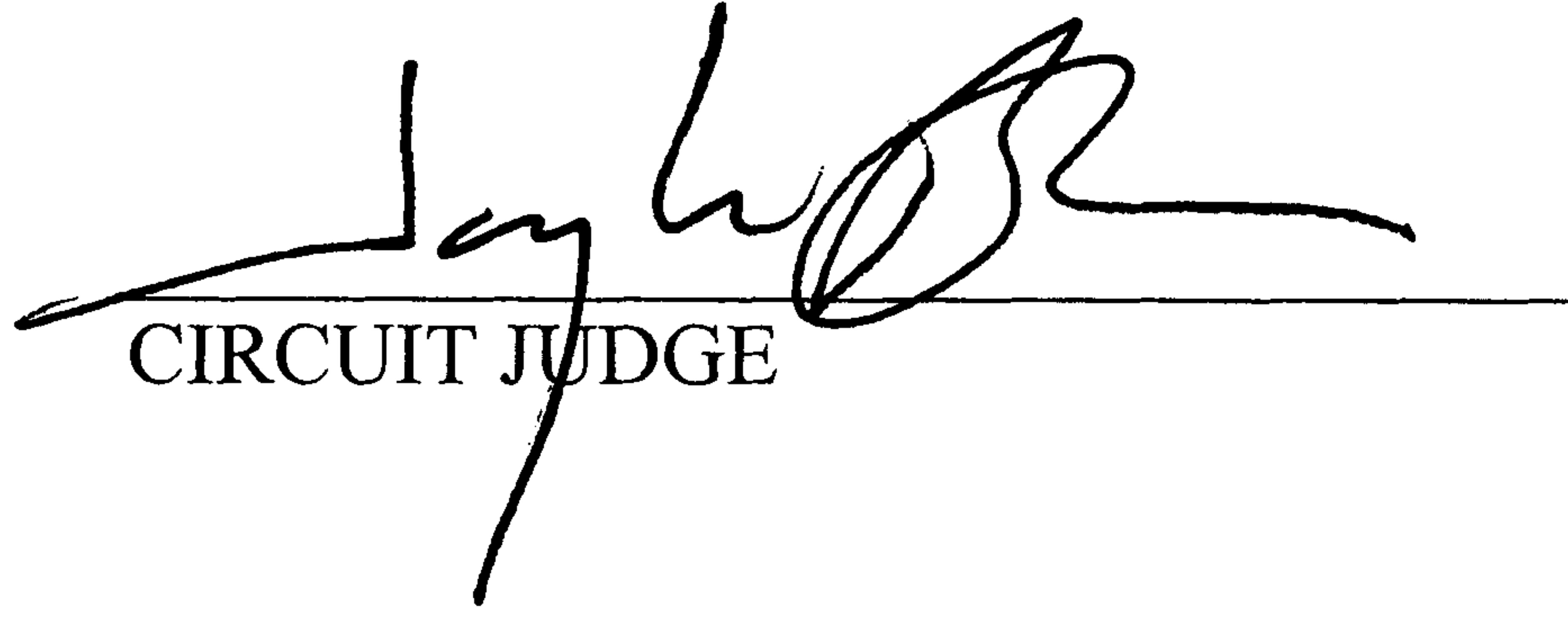
(3) That costs shall be taxed against Defendants.

It is further ORDERED, ADJUDGED, and DECREED that this Order shall be without prejudice to Defendants' right to seek a stay with regard to the claims that remain pending in this case.



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DONE this the 4th day of April, 2005.


CIRCUIT JUDGE