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Final Judgment (CHARLES L. MARSH)

Elizabeth E. Long
Superior Court of Fulton County

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JUL 15 2008
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

CHARLES L. MARSH,	)	
	)	
Plaintiff,	)	CIVIL ACTION
	)	
v.	)	FILE NO. 2004CV84536
	)	
BDI LAGUNA HOLDINGS, INC. and JAY L. WERTHEIMER,	)	
	)	
Defendant.	)	

FINAL JUDGMENT

The above-styled case came before the Court for jury trial commencing June 23, 2008. Plaintiff's claims against Defendant BDIL Laguna Holdings, Inc. ("BDI") for breach of contract, promissory estoppel, and for a determination as to liability for attorneys fees and costs of litigation pursuant to O.C.G.A. § 13-6-11 were tried to the jury.

On June 30, 2008, the jury returned a verdict in favor of Plaintiff and against Defendant BDIL for breach of contract and having determined that BDI acted in bad faith, was stubbornly litigious and caused Plaintiff unnecessary trouble and expenses, awarded Plaintiff's reasonable fees and expenses under O.C.G.A. § 13-6-11. Plaintiff and Defendant BDIL thereafter stipulated, without waiving any right Defendant BDIL may have to challenge the jury's finding of O.C.G.A. § 13-6-11 liability through post-trial motions or on appeal, that Plaintiff's reasonable fees and expenses for the prosecution of this case against BDI Laguna Holdings, Inc. recoverable under O.C.G.A. § 13-6-11 are Four Hundred Thousand Dollars ($400,000.00). The jury having rendered a verdict in favor of the Plaintiff on his claim for breach of contract and on his claim for

attorneys fees and costs of litigation pursuant to O.C.G.A. § 13-6-11, final judgment is hereby ordered and entered pursuant to O.C.G.A. § 9-11-54 as follows:

Plaintiff Marsh is awarded the sum Two Million, Two Hundred Eight Thousand, Seven Hundred Twenty Four and 00/100 dollars ($2,208,724.00) as compensatory damages from Defendant BDI Laguna Holdings, Inc., plus Four Hundred Thousand and 00/100 dollars ($400,000) in attorneys fees and expenses of litigation recoverable pursuant to the jury's verdict under O.C.G.A. § 13-6-11, together with post-judgment interest as provided by law.

IT IS HEREBY ORDERED AND DIRECTED that the above-referenced judgment in favor of Plaintiff be entered upon the docket and records of this Court.

SO ORDERED this 15th day of July, 2008

THE HONORABLE ELIZABETH LONG
SENIOR JUDGE, SUPERIOR COURT OF
FULTON COUNTY (BUSINESS DIVISION)

Prepared by and
Consent as to Amount
of Fees and Expenses by:

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

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