

DEC 13 2010

At 9:50 A.M.  
Amalia Rodriguez-Mendoza, Clerk

CAUSE NO. D-1-GN-06-003682

GREGORY KERVILL and ALTHEA § IN THE DISTRICT COURT  
"PENNY" KERVILL §  
§  
§  
VS. § 200th JUDICIAL DISTRICT  
§  
§  
CITY OF AUSTIN, TEXAS § TRAVIS COUNTY, TEXAS

**JUDGMENT**

On November 30, 2010, the Court called this case for trial. Plaintiffs and their attorneys were present, and announced ready for trial. Defendant and its attorneys were also present, and announced ready for trial.

The Court impaneled and swore the jury, which heard the evidence and arguments of counsel. The Court submitted questions, definitions, and instructions to the jury. In response, the jury made findings that the court received, filed and entered of record. The questions submitted to the jury and the jury's findings are incorporated by reference and were as follows:

Question No. 1: Did the negligence, if any, of those named below proximately cause the occurrence or injury in question?

- A. Jose Balderas: Yes
- B. Gregory Kervill: No

Question No. 3: for Gregory Kervill:

- a. Physical pain and mental anguish sustained in the past: \$100,000.00;
- b. Physical pain and mental anguish that, in reasonable probability, Gregory Kervill will sustain in the future: \$100,000.00;
- c. Physical impairment sustained in the past: \$25,000.00;
- d. Physical impairment that, in reasonable probability, Gregory Kervill will sustain in the future: \$25,000.00; and
- e. Medical care expenses in the past actually paid or incurred by or on behalf of Gregory Kervill: \$100,000.00.

Question No. 4: for Althea "Penny" Kervill:

- a. Loss of household services sustained in the past: \$10,000.00;
- b. Loss of household services that, in reasonable probability, Althea Kervill will sustain in the future: \$25,000.00;
- c. Loss of consortium sustained in the past: \$15,000.00; and
- d. Loss of consortium that, in reasonable probability, Althea Kervill will sustain in the future: \$35,000.00.

Plaintiffs move for judgment on the verdict. Having considered the motion, the Court renders judgment for Plaintiffs.

The total amount of the verdict is \$435,000.00. The pre-judgment interest on the verdict is \$123,051.60. The court costs are \$5,509.84. That total sum equals \$563,561.44.

Defendant is a municipality. As stated by the Texas Civil Practice and Remedies Code Section 101.023(c): "liability of a municipality under this chapter is limited to money damages in a maximum amount of \$250,000 for each person ... for each single occurrence for bodily injury." TEX. CIV. PRAC. & REM. CODE § 101.023(c).

THEREFORE, the Court orders that Plaintiffs, Gregory Kervill and Althea "Penny" Kervill, recover from Defendant the total sum of \$250,000.00, which is the maximum amount liability that may be imposed on the Defendant, for which let execution issue.

All relief not expressly granted is denied.

SIGNED on this 13<sup>th</sup> day of December 2010.

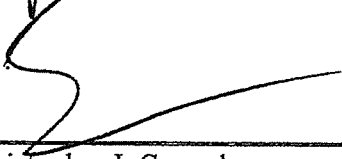
  
PRESIDING JUDGE

AGREED AS TO FORM:



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Spender P. Browne  
ATTORNEYS FOR PLAINTIFFS



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Christopher J. Coppola  
ATTORNEY FOR DEFENDANT