

CAUSE No. PR-11-3238-1

IN RE: ESTATE OF MAX D. HOPPER, DECEASED	§	IN THE PROBATE COURT
	§	
	§	
<hr/>	§	
JO N. HOPPER	§	
<i>Plaintiff,</i>	§	NO. 1
v.	§	
	§	
JPMORGAN CHASE BANK, N.A.	§	
STEPHEN B. HOPPER, LAURA S.	§	
WASSMER,	§	
<i>Defendants.</i>	§	DALLAS COUNTY, TEXAS

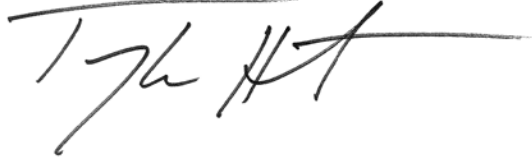
**DEFENDANTS STEPHEN B. HOPPER'S AND LAURA WASSMER'S THIRD
SUPPLEMENTAL QUESTIONS AND INSTRUCTIONS TO THE
HEIRS' THIRD AMENDED PROPOSED JURY CHARGE**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Stephen B. Hopper and Laura Wassmer, and prior to the preparation of the jury charge and prior to its submission to the jury, hereby request that the Court include in the charge to be submitted to the jury the following actual/consequential damages questions concerning negligence, fraud, and breach of contract in lieu of the damages instructions previously submitted on these matters. The Heirs reserve the right to amend or supplement this pleading.

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P



ANTHONY L. VITULLO
State Bar No. 20595500
TAYLOR A. HORTON
State Bar No. 24086402
Three Galleria Tower
Dallas, Texas 75240
(972) 934-9100
(972) 934-9200 [Fax]
lvitullo@feesmith.com
thorton@feesmith.com

and

JAMES S. BELL, P.C.
State Bar No. 24049314
james@jamesbellpc.com
3811 Turtle Creek Blvd.
Dallas, Texas 75219
(214) 668-9000 (Telephone)
ATTORNEYS FOR THE HEIRS

CERTIFICATE OF SERVICE

I certify that this document was served on all counsel of record in accordance with the Texas Rules of Civil Procedure.

/s/ James S. Bell

Attorney's Fees for Breach of Contract Claim

If you answered "Yes" to Question No. __ [breach of contract], then answer the following question. Otherwise do not answer the following question.

Question No. __²³

What is a reasonable fee for the necessary services of Stephen Hopper's and Laura Wassmer's attorneys regarding their claim for breach of contract, stated in dollars and cents?

Factors to consider in determining a reasonable fee include:

1. The time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal services properly.
2. The likelihood that the acceptance of the particular employment will preclude other employment by the lawyer.
3. The fee customarily charged in the locality for similar legal services.
4. The amount involved and the results obtained.
5. The time limitations imposed by the client or by the circumstances.
6. The nature and length of the professional relationship with the client.
7. The experience, reputation, and ability of the lawyer or lawyers performing the services.
8. Whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered.

Answer with an amount for each of the following:

1. For representation through trial and the completion of proceedings in the trial court.

Answer: \$ _____

2. For representation through appeal to the court of appeals.

Answer: \$ _____

3. For representation at the petition for review stage in the Supreme Court of Texas.

Answer: \$ _____

4. For representation at the merits briefing stage in the Supreme Court of Texas.

Answer: \$ _____

²³ PJC (Business 2016) 115.60 & cmt.

5. For representation through oral argument and the completion of proceedings in the Supreme Court of Texas.

Answer: \$ _____

Given _____

Refused _____

Modified _____

_____ Date

_____ Judge Presiding