CAUSE NO. PR-113238-1

IN RE: ESTATE OF	§	IN THE PROBATE COURT
MAX D. HOPPER,	Š	
DECEASED	Š	
	Š	
JO N. HOPPER	§	
	Š	
Plaintiff,	Š	
	Š	
V.	Š	NO. 1
	§	
JP MORGAN CHASE, N.A.,	Š	
STEPHEN B. HOPPER and LAURA S.	§	
WASSMER	§	
	§	
Defendants.	§	DALLAS COUNTY, TEXAS

DEFENDANTS STEPHEN B. HOPPER'S AND LAURA WASSMER'S SECOND 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] Ivitullo@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

DEFENDANTS STEPHEN B. HOPPER AND LAURA WASSMER'S SECOND SUPPLEMENTAL QUESTIONS AND INSTRUCTIONS TO THE HEIRS' THIRD AMENDED PROPOSED JURY CHARGE – PAGE 2

DAMAGES TO THE HEIRS' FOR JP MORGAN'S BREACH OF THE FEE AGREEMENT¹

If you answered Question Number 14 "Yes," Answer this Question. Otherwise do not answer the following question.

Question No. 15

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Stephen B. Hopper and/or Laura S. Wassmer for their damages, if any, that resulted from JPMorgan's failure to comply with the Fee Agreement?

Consider the following elements of damages, if any, and none other.

1. The amount of legal fees Stephen Hopper paid to his attorneys prior to the inception of the litigation that were the natural, probable and foreseeable consequence of JPMorgan's failure to comply with the Fee Agreement.

Answer in dollars and cents, if any, for the following:

Stephen B. Hopper: \$_____

2. The amount of legal fees Laura Wassmer paid her attorneys prior to the inception of the litigation that were the natural, probably and foreseeable consequence of JPMorgan's failure to comply with the Fee Agreement.

Answer in dollars and cents, if any, for the following:

Laura S. Wassmer: \$_____

3. The loss of inheritance to Stephen B. Hopper that was a natural, probable and foreseeable consequence of JP Morgan's failure to comply with the Fee Agreement.

Answer in dollars and cents, if any, for the following:

Stephen B. Hopper: \$_____

¹ PJC 115.5

4. The loss of inheritance to Laura S. Wassmer that was a natural, probable and foreseeable consequence of JP Morgan's failure to comply with the Fee Agreement.

Answer in dollars and cents, if any, for the following:

Laura S. Wassmer: \$_____

DAMAGES TO THE HEIRS FOR JP MORGAN'S FRAUD²

Answer the following question only if you answered "Yes" to Question Number ____ Otherwise, do not answer the following question.

Question No.

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Stephen Hopper and Laura Wassmer for their damages, if any, that were proximately caused by such fraud?

"Proximate cause" means a cause that was a substantial factor in bringing about an event, and without which cause such event would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using the degree of care required of him would have foreseen that the event, or some similar event, might reasonably result therefrom. There may be more than one proximate cause of an event.

Consider the following elements of damages, if any, and none other.

1. The amount of legal fees Stephen Hopper paid to his attorneys prior to the inception of the litigation that were the natural, probable and foreseeable consequence of JP Morgan's fraud.

Answer in dollars and cents, if any, for the following:

Stephen B. Hopper: \$_____

2. The amount of legal fees Laura Wassmer paid her attorneys prior to the inception of the litigation that were the natural, probably and foreseeable consequence of JP Morgan's fraud.

Answer in dollars and cents, if any, for the following:

Laura S. Wassmer: \$_____

3. The loss of inheritance to Stephen B. Hopper that was a natural, probable and foreseeable consequence of JP Morgan's fraud.

Answer in dollars and cents, if any, for the following:

² PJC 115.5, 115.20

DEFENDANTS STEPHEN B. HOPPER AND LAURA WASSMER'S SECOND SUPPLEMENTAL QUESTIONS AND INSTRUCTIONS TO THE HEIRS' THIRD AMENDED PROPOSED JURY CHARGE – PAGE 5

Stephen B. Hopper: \$_____

4. The loss of inheritance to Laura S. Wassmer that was a natural, probable and foreseeable consequence of JP Morgan's fraud.

Answer in dollars and cents, if any, for the following:

Laura S. Wassmer: \$_____

DAMAGES TO THE HEIRS FOR JP MORGAN'S NEGLIGENCE

Answer the following question only if you answered "Yes" to Question Number ____. Otherwise, do not answer the following question.

Question No.

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Stephen Hopper and Laura Wassmer for their damages, if any, that were proximately caused by negligence?

"Proximate cause" means a cause that was a substantial factor in bringing about an event, and without which cause such event would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using the degree of care required of him would have foreseen that the event, or some similar event, might reasonably result therefrom. There may be more than one proximate cause of an event.

Consider the following elements of damages, if any, and none other.

1. The amount of legal fees Stephen Hopper paid to his attorneys prior to the inception of the litigation that were the natural, probable and foreseeable consequence of JP Morgan's negligence.

Answer in dollars and cents, if any, for the following:

Stephen B. Hopper: \$_____

2. The amount of legal fees Laura Wassmer paid her attorneys prior to the inception of the litigation that were the natural, probably and foreseeable consequence of JP Morgan's negligence.

Answer in dollars and cents, if any, for the following:

Laura S. Wassmer: \$_____

3. The loss of inheritance to Stephen B. Hopper that was a natural, probable and foreseeable consequence of JP Morgan's negligence.

Answer in dollars and cents, if any, for the following:

Stephen B. Hopper: \$_____

4. The loss of inheritance to Laura S. Wassmer that was a natural, probable and foreseeable consequence of JP Morgan's negligence.

Answer in dollars and cents, if any, for the following:

Laura S. Wassmer: \$_____