

CAUSE No. PR-11-3238-1

FILED

17 SEP 25 PM 4:27

IN RE: ESTATE OF MAX D. HOPPER,
DECEASED

IN THE PROBATE COURT

JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

JO N. HOPPER

Plaintiff,

NO. 1

v.

JPMORGAN CHASE BANK, N.A.
STEPHEN B. HOPPER, LAURA S.
WASSMER,

Defendants.

DALLAS COUNTY, TEXAS

PLAINTIFF'S TENDERED JURY CHARGE QUESTION

Plaintiff Jo N. Hopper ("Plaintiff" or "Mrs. Hopper"), after the evidence has closed and before the Court has presented the Charge to the jury and in the time and manner required by law, requests the Court to submit to the jury or to prepare and submit to the jury the following question and instruction.

PR - 11 - 03238 - 1
CODR
ORDER
1615037



JPMorgan's Requested Instruction No. 1 [For submission immediately following general instructions in court's charge.]

FILED

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JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

Under Texas law, an independent administrator of an estate has a right to have a court make a declaration to direct the independent administrator: (i) to abstain from doing any particular act in their fiduciary capacity, or (ii) to determine any question arising in the administration of the estate.

Refused

Brenda Hull
Judge Presiding
9/25/17

PR 11-3238-1

JPMorgan's Requested Instruction No. 2 [measure of damages for breach of contract question]

FILED
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JOHN HOPPER
COUNTY CLERK
DALLAS COUNTY

The reasonable and necessary costs or expenses, if any, incurred by John Hopper as a result of JPMorgan's failure to comply with the terms of the Fee Agreement

Refused

Brenda Hull Thompson
Judge Presiding
9/25/17

JPMorgan's Requested Instruction No. 3 [correct statement of JPMorgan's duties,
especially in connection with Robledo issue]


FILED

SEP 25 PM 4:27

JOHN F. WARREN
DEPUTY CLERK
DADE COUNTY

After being appointed as Independent Administrator on June 30, 2010, JPMorgan as Independent Administrator owed a duty to Jo Hopper to take care of her community property as a prudent person would take care of that person's own property.

Refused ✓


Judge Presiding

PR 11-3238-1

FILED

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JPMorgan's Requested Instruction No. 4 [measure of economic damages for breach of fiduciary duty claim]

The reasonable and necessary costs or expenses incurred by Jo Hopper proximately caused by JPMorgan as Independent Administrator's failure to comply with its duty to Jo Hopper,

JOHN F. WOOD BY
COUNTY CLERK
TARRANT COUNTY

Refused

✓


Judge Presiding

PR 11-3238-1

No. 5

JPMorgan's request instruction for Heirs' claim for fiduciary breach, non self-dealing.

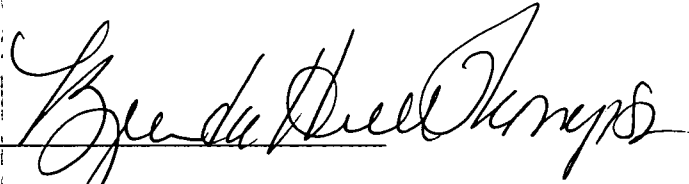
After being appointed as Independent Administrator on June 30, 2010, JPMorgan as Independent Administrator owed a duty to take care of the estate's property as a prudent person would take care of that person's own property.

FILED

17 SEP 25 PM 4:28

JOHN WOULD TAKE
COUNTY CLERK
DALLAS COUNTY

Refused ✓



Judge Presiding

PR 11-3238-1

JPMorgan's Requested Instruction No. 6

FILED

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JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

A finding of good faith is not required prior to the payment of the independent administrator's reasonable attorney's fees from the estate in the removal proceedings, as long as the independent administrator's defense of the removal action is later found to have been in good faith.

Refused



Judge Presiding

PR 11-3238-7

JPMorgan's Requested Instruction No. 7

FILED


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An independent administrator who wishes to resign must file a written application with the court clerk, accompanied by a complete and verified exhibit and final account showing the true condition of the estate entrusted to the independent administrator's care. If the necessity exists, the court may immediately accept the resignation of an independent administrator and appoint a successor independent administrator.

An independent administrator applying to resign may not be discharged until: (1) the resignation application has been heard; (2) the exhibit and final account required have been examined, settled, and approved; and (3) the applicant has satisfied the court that the applicant has delivered any estate property remaining in the applicant's possession or complied with all lawful orders of the court with relation to the applicant's trust as independent administrator.

When a personal representative applying to resign has fully complied with the orders of the court, the court shall enter an order accepting the resignation and discharging the applicant.

Refused


Judge Presiding

PR 11-3A38-7

If you answered "Yes" to Question No. 7, then answer the following question. Otherwise, do not answer the following question.

Question No. 8

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Jo Hopper for her damages, if any, that resulted from such failure to comply?

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

Do not add any amount for interest on damages, if any.

Answer separately in dollars and cents for damages, if any, with respect to each of the following:

- a. Attorney's fees paid by Jo Hopper before this lawsuit to address JPMorgan's failure to perform its responsibilities under the Fee Agreement.

Answer: \$ _____

- b. Money owed to Jo Hopper for reimbursement of expenses.

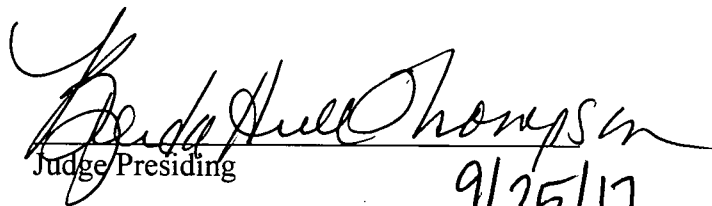
Answer: \$ _____

- c. Jo Hopper's mental anguish sustained in the past.

Answer: \$ _____

Given _____
Refused _____
Modified _____

Date


Judge Presiding
9/25/17

Respectfully submitted;

LOEWINSOHN FLEGLE DEARY SIMON LLP

By: /s/ Alan S. Loewinsohn

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served upon the following counsel of record this 25th day of September, 2017 via e-service.

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