

Cause No. 202133137

901 POST OAK, INC.,
Plaintiff

vs.

GAIL WHITCOMB (AKA TY
WHITCOMB) and PATRICIA
WHITCOMB
Defendants.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

269th JUDICIAL DISTRICT

**ORDER GRANTING PLAINTIFF’S MOTION FOR PARTIAL SUMMARY
JUDGMENT ON BREACH OF CONTRACT CLAIM**

On this date came to be considered the Motion of Plaintiff 901 Post Oak, Inc. (“Landlord” or “Plaintiff”) for Partial Summary Judgment Against Gail Whitcomb (a/k/a Ty Whitcomb) for Partial Summary Judgment on Breach of Contract Claim under Texas Rule of Civil Procedure 166a. After consideration of the summary judgment evidence and arguments of parties, it appears to the Court that there is no genuine issue of material fact as to the subject claim and Plaintiff is entitled to judgment as a matter of law. Accordingly,

It is hereby ORDERED Plaintiff 901 Post Oak, Inc.’s Motion for Partial Summary Judgment on the issue of Breach of Contract is granted.

It is FURTHER ORDERED that Plaintiff 901 Post Oak, Inc. have and recover of and from Defendant Gail Whitcomb (a/k/a Ty Whitcomb) on Plaintiff’s cause of action for Breach of Contract the following:


Damages in an amount of \$66,229.73

Post-judgment interest on said amount from the date of final judgment until paid at the then-current rate pursuant Texas Finance Code §304.004.

Reasonable attorneys’ fees in the amount of \$13,898.51 incurred to date. In addition, the Court awards: reasonable attorneys fees in the amount of \$9,000 in the event Defendant files a motion for new trial; reasonable attorneys fees in the amount of \$9,000 in the event of appeal by Defendant to the Court of Appeals; reasonable attorneys fees of \$7,500 should Defendant file a motion for rehearing or Petition for Review in the Texas Supreme Court; and reasonable attorneys fees in the amount of \$10,000 should the Texas Supreme Court grant any such Petition for Review.

This Order extends to Plaintiff's Breach of Contract claim only.

Dated: _____, 2022

Signed: 
10/28/2022
11:40 AM

Presiding Judge