



IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS
FT. SMITH DIST.

2010 DEC 5 PM 1 12
CIR. CLERK SEB CO.

STEVEN A. BRIGANCE, as personal representative of the ESTATE OF MAURICE BRIGANCE, JR., deceased; and on behalf of the wrongful death beneficiaries of MAURICE BRIGANCE, JR.

PLAINTIFF

v. **CASE NO.: CV-2009-651**

THE BROOKFIELD AT FIANNA OAKS, LLC, d/b/a THE BROOKFIELD AT FIANNA OAKS; (parent corporation) WILSON, DARNELL AND MANN, PA; CRAWFORD CONSTRUCTION COMPANY; and CRAWFORD CONSTRUCTION COMPANY, INC.;

DEFENDANTS

JUDGMENT

The above styled cause came for trial by jury commencing on the 29th day of November, 2010. The Plaintiff, Steven A. Brigance, as the Personal Representative of the Estate of Maurice Brigance, Jr., deceased, and on behalf of the wrongful death beneficiaries of Maurice Brigance, Jr., appeared personally and by and through his attorneys Rex Chronister, Andrew Clausen, and Megan Pruitt. Defendant The Brookfield at Fianna Oaks, LLC d/b/a The Brookfield at Fianna Oaks, appeared by and through its corporate representative Robert "Bob" Brooks and its attorneys Mark W. Dossett and Suzanne G. Clark. Defendants Wilson, Darnell and Mann, PA, Crawford Construction Company and Crawford Construction Company, Inc., having previously entered appearances in the case, appeared not for trial. All parties present reported ready for trial, and, thereafter, a jury consisting of foreperson Heather Smith and eleven other jurors, plus two alternates, was duly empanelled and sworn to hear the case.

After receiving all of the testimony of the witnesses, exhibits presented, arguments of counsel, and instructions of law from the Court, on the afternoon of December 2, 2010, the jury

retired to consider its verdict. On the afternoon of December 2, 2010, the jury returned the following verdict in open court:

INTERROGATORY NO. 1

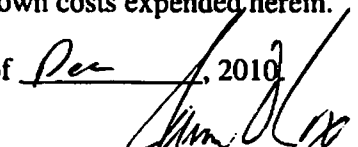
- 1. Do you find from a preponderance of the evidence that there was negligence on the part of the Brookfield at Fianna Oaks, LLC, which was the proximate cause of any damages to Maurice Brigance?

ANSWER: NO

<u>/s/ Heather Smith</u> Foreperson	<u>/s/ Richard Elwin</u>
<u>/s/ Denise Kucharzyk</u>	<u>/s/ Timothy L. Bass</u>
<u>/s/ Patricia Britt</u>	<u>/s/ Marilyn Reesc</u>
<u>/s/ Amanda Heim</u>	<u>/s/ James Cuellar</u>
<u>/s/ John Presser</u>	<u>/s/ Jared McGhee</u>

IT IS THEREFORE, CONSIDERED, ORDERED AND AJDUGED, that the Jury's verdict is hereby confirmed and entered as Judgment in favor of the Defendant, The Brookfield at Fianna Oaks, LLC, d/b/a The Brookfield at Fianna Oaks, on the Amended Complaint of the Plaintiff, Steven A. Brigance, as the Personal Representative of the Estate of Maurice Brigance, Jr., deceased, and on behalf of the wrongful death beneficiaries of Maurice Brigance, Jr. Plaintiff's Amended Complaint should be and hereby is **DISMISSED WITH PREJUDICE**. No Judgment having been rendered in favor of the Plaintiff against any Defendant, the cross-claims for contribution and indemnity by and between the various Defendants are moot and are hereby dismissed with prejudice. Each party shall bear its own costs expended herein.

IT IS SO ORDERED, this 6th day of Dec, 2010



 Hon. James O. Cox, Circuit Judge

APPROVED AS TO FORM:

 Attorney for Plaintiff

 Attorney for Defendant, The Brookfield at Fianna Oaks, LLC