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No. 2016-79698

LANDRY'S, INC., and
HOUSTON AQUARIUM, INC.,
Plaintiffs,

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IN THE DISTRICT COURT OF

v.

HARRIS COUNTY, TEXAS

ANIMAL LEGAL DEFENSE FUND,
CARNEY ANNE NASSER, and
CHERYL CONLEY,
Defendants.

334th JUDICIAL DISTRICT

ORDER GRANTING ANTI-SLAPP MOTIONS TO DISMISS

On this day, the Court decided (1) Animal Legal Defense Fund and Carney Anne Nasser's Joint Anti-SLAPP Motion to Dismiss and (2) Cheryl Conley's Anti-SLAPP Motion to Dismiss (collectively, the "Motions"). As required by law, the Court conducted a hearing on the motions on February 20, 2017. All objections by all parties to the evidence and declarations submitted to the Court by any party were overruled at the hearing. After reviewing the Motions, the applicable law, and the evidence and pleadings in the record, the Court **GRANTS** the Motions and **ORDERS** that all of Plaintiffs' claims against all defendants are **DISMISSED WITH PREJUDICE**.

As provided by section 27.009 of the Texas Civil Practice and Remedies Code, the Court makes the following findings:

Fees to ALDF for AZA Law: For the services of Ahmad, Zavitsanos, Anaipakos, Alavi, & Mensing, P.C. ("AZA Law") ALDF reasonably and necessarily incurred \$82,405 in attorneys' fees and litigation expenses in defense of this matter through February 20, 2017. The Court therefore **ORDERS** Plaintiffs to pay that sum to ALDF as compensation for the fees and expenses that ALDF incurred with respect to its representation by AZA Law.

FILED

Chris Daniel
District Clerk

FEB 22 2017

Time: _____
Harris County, Texas

By _____
Deputy

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

The Court further finds that, in connection with AZA Law's representation, ALDF would reasonably and necessarily incur and that Plaintiffs must pay to ALDF contingent on the outcome of any appeal, the following sums for AZA Law's fees:

1. \$50,000 in additional attorneys' fees in the event of an unsuccessful intermediate appeal by Plaintiffs;
2. \$25,000 in the event of an unsuccessful petition for review by Plaintiffs to the Texas Supreme Court; and
3. \$25,000 in the event of an unsuccessful appeal by Plaintiffs to the Texas Supreme Court.

Fees to ALDF and Nasser for Sprott Newsom: ALDF and Nasser are jointly represented by Sprott Newsom Quattlebaum & Messenger, P.C. ("Sprott Newsom"). For the services of Sprott Newsom, ALDF and Nasser have reasonably and necessarily incurred \$ 20,780.26 in attorneys' fees and litigation expenses in defense of this matter through February 20, 2017. The Court therefore **ORDERS** Plaintiffs to pay that sum to ALDF and Nasser as compensation for the fees and expenses that they incurred with respect to their representation by Sprott Newsom.

The Court further finds that, in connection with Sprott Newsom's representation, ALDF and Nasser would reasonably and necessarily incur and that Plaintiffs must pay to ALDF and Nasser contingent on the outcome of any appeal, the following sums for Sprott Newsom's fees:

1. \$50,000 in additional attorneys' fees in the event of an unsuccessful intermediate appeal by Plaintiffs;
2. \$25,000 in the event of an unsuccessful petition for review by Plaintiffs to the Texas Supreme Court; and
3. \$25,000 in the event of an unsuccessful appeal by Plaintiffs to the Texas Supreme Court.

Fees to Conley for Mahendru, P.C.: For the services of Mahendru, P.C., Conley has reasonably and necessarily incurred \$ 71,295.00 in attorneys' fees and litigation expenses in defense of this matter through February 20, 2017. The Court therefore **ORDERS** Plaintiffs to pay that sum

to Conley. The Court further finds that Conley would reasonably and necessarily incur, and that Plaintiffs must pay to Conley contingent on the outcome of any appeal, the following sums:

1. \$50,000 in additional attorneys' fees in the event of an unsuccessful intermediate appeal by Plaintiffs;
2. \$25,000 in the event of an unsuccessful petition for review by Plaintiffs to the Texas Supreme Court; and
3. \$25,000 in the event of an unsuccessful appeal by Plaintiffs to the Texas Supreme Court.

Mandatory Sanctions. As required by the Texas Citizens Participation Act, the Court further sanctions Plaintiffs for bringing this litigation and determines that, to deter Plaintiffs from filing similar actions in the future, it is necessary to impose a \$450,000 sanction on Plaintiffs, which the Court ORDERS Plaintiffs to pay to Defendants in addition to the attorneys' fees awarded above. Of the total sanction, the amount shall be allocated as follows, with Plaintiffs paying the following sums to each defendant:

\$ 250,000 to ALDF

\$ 200,000 to Conley

It is so **ORDERED**. This is a final judgment that disposes of all claims by and against all parties and is appealable.

Signed this 22nd day of February, 2017.



HON. STEVEN KIRKLAND
JUDGE PRESIDING