

CAUSE NO. 199-03472-2022

HENRY MISHKOFF
Plaintiff

v.

T. CHASE GARRETT,
SCHEEF & STONE, LLP, and
SONIA BRYANT
Defendants.

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IN THE DISTRICT COURT

471ST JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

**ORDER GRANTING DEFENDANTS' MOTION TO DISMISS
PURSUANT TO THE TEXAS CITIZENS PARTICIPATION ACT**

On this day, the Court considered Defendants T. Chase Garrett, Scheef & Stone, LLP, and Sonia Bryant's (collectively "Defendants") Amended Motion to Dismiss Pursuant to the Texas Citizens Participation Act (the "Motion") filed on July 13, 2022. After consideration of the pleadings and evidence presented, the Court finds that Motion should be and is hereby **GRANTED**.

IT IS THEREFORE ORDERED that Plaintiff Henry Mishkoff take nothing on his claims against Defendants T. Chase Garrett, Scheef & Stone, LLP and Sonia Bryant, with such claims dismissed with prejudice as to their refiling.

IT IS FURTHER ORDERED that, pursuant to § 27.009(a)(1) of the TEXAS CIVIL PRACTICE AND REMEDIES CODE, Defendants shall have and recover from Plaintiff Henry Mishkoff, the amount of \$17,875.00, representing the reasonable attorney's fees incurred by Defendants in the course of defending against Plaintiff's claims and prosecuting the Motion.

IT IS FURTHER ORDERED that if Plaintiff unsuccessfully appeals this judgment to the Dallas Court of Appeals, Defendants shall have and recover from

Plaintiff Henry Mishkoff, additional reasonable and necessary attorneys' fees in the amount of \$25,000.

IT IS FURTHER ORDERED that if Plaintiff files a petition for review in the Texas Supreme Court and the petition is ultimately denied, Defendants shall have and recover from Plaintiff Henry Mishkoff, an additional sum of \$25,000 as additional reasonable and necessary attorney's fees.

IT IS FURTHER ORDERED that if Plaintiff files a petition for review in the Texas Supreme Court and such a petition is granted requiring briefing from one or more Defendants, and the appeal is ultimately unsuccessful or the trial court's judgment affirmed, Defendants shall have and recover from Plaintiff Henry Mishkoff, an additional sum of \$25,000 as additional reasonable and necessary attorney's fees,

IT IS FURTHER ORDERED that if Plaintiff files a petition for review in the Texas Supreme Court and oral argument is granted by the Texas Supreme Court and the appeal is ultimately unsuccessful or the trial court's judgment affirmed, Defendants shall have and recover from Plaintiff Henry Mishkoff, an additional sum of \$20,000 as additional reasonable and necessary attorney's fees.

IT IS FURTHER ORDERED that pursuant to § 27.009(a)(2) of the TEXAS CIVIL PRACTICE AND REMEDIES CODE, Defendants shall have and recover the total sum of \$10,000 from Plaintiff Henry Mishkoff representing an appropriate sanction to deter him from bringing similar baseless legal actions in the future.

IT IS FURTHER ORDERED that Defendants shall have and recover from Plaintiff Henry Mishkoff, all costs of court through the date of this judgment.

IT IS FURTHER ORDERED that Defendants have and recover interest on attorney's fees, sanctions, and court costs at the rate of 5% per annum from the date of this judgment until paid in full.

IT IS FURTHER ORDERED that Defendants have and recover interest on conditional attorney's fees and costs on appeal at the rate of 5% per annum from the date the Dallas Court of Appeals or Texas Supreme Court issues a mandate until paid in full.

This is a final judgment disposing of all parties and claims and is appealable.

9/23/2022

SIGNED on _____.



JUDGE PRESIDING