Judgment #200909000167

VIRGINIA:

#200909000400

IN THE CIRCUIT COURT OF THE COUNTY OF NORTHUMBERLAND

JAMES C. TICE, individually and t/a T & N PAINTING,

Plaintiff,

v.

Case No.: CL08-12

JAMES P. O'CONNOR, et als.,

Defendants.

ORDER

Came this 15th day of June, 2009 upon the Defendants' post trial Motions to Set Aside the Jury Verdict and/or for an Order of a New Trial and for Remittitur, and on the parties' briefing of said Motions and on today's arguments of the same, this Court having carefully considered the same hereby denies Defendants said Motions.

Accordingly, this Court enters judgment in accordance with the jury verdict of May 7, 2009 against the Defendants, James P. O'Connor, Vickie O'Connor and Viocon, LLC (Defendants, jointly and severally) in the favor of the Plaintiff, James C. Tice, individually and t//a T&N Painting in the amount of $200,000.00, plus taxable costs associated with this matter, with credit to the Defendants of $15,000.00 from the Plaintiff's settlement with former defendant Darby, for a final judgment amount in favor of the Plaintiff against the Defendants jointly and severally in the amount of $185,000.00.

JRST. MD 6-15-09

The Defendants exceptions are hereby noted as set forth in the record. The Clerk is hereby directed to send a certified copy of this Order to all counsel of record and to place this matter among the ended causes.

Enter: 6/15/2009

Circuit Court Judge

ORIGINAL

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I ask for this:

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Mailed 6-15-09 → O'Connell, O'Connell + Franczuzenko, LLC *

Seen and objected to:

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* For the reasons stated in the defendant's motions to strike the evidence at the close of the plaintiff's case and the close of all the evidence, and for the reasons stated in post-trial motions, briefs, and argument that:

(a) ~~As~~ The evidence was insufficient to support the jury's finding of probable cause;

(b) The evidence was insufficient to support the jury's verdict as to damages

(c) The court erred in failing to set the verdict aside

(d) The court abused its discretion in failing to order remittitur

ASSIGNMENTS OF ERROR

1. The circuit court erred in failing to strike the plaintiff's evidence and entering judgment on the jury's verdict in favor of James Tice, against James O'Connor, Vickie O'Connor, and Viocon, LLC, because the evidence was insufficient as a matter of law for the jury to find that probable cause to believe that Tice committed construction fraud did not exist at the time the warrant was issued.

2. The circuit court erred in entering judgment on the jury's verdict in favor of the plaintiff, James Tice, against the defendants James O'Connor, Vickie O'Connor, and Viocon, LLC because the evidence was insufficient as a matter of law for the jury to find that the defendants James O'Connor, Vickie O'Connor, and Viocon, LLC initiated the prosecution of Tice.