

**COURT OF APPEALS OF TEXAS, SECOND APPELLATE DISTRICT AT FORT
WORTH**

**Jan Mogged, James Richard Fletcher and Michael Alan Taylor v.
Bobby Wayne Lindamood Jr. and Jr.'s Demolition & Excavation, Inc.**

Mogged v. Lindamood · No. 02-18-00126-CV · Decided December 31, 2018

SUMMARY

The Texas Court of Appeals for the Second Appellate District affirmed in part and reversed in part the trial court's judgment in a dispute involving defamation claims and a motion to dismiss. The court remanded Bobby Wayne Lindamood's defamation claim against Michael Alan Taylor for further proceedings and remanded issues concerning attorneys' fees, sanctions, and court costs awardable to Jan Mogged and James Richard Fletcher. The parties were ordered to bear their own appellate costs.

OPINION

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth No. 02-18-00126-CV JAN MOGGED, JAMES RICHARD § On Appeal from the 348th District Court FLETCHER, AND MICHAEL ALAN TAYLOR, Appellants and Cross- Appellees § of Tarrant County (348-278342-15) § December 31, 2018 V. § Concurring opinion by Justice Meier BOBBY WAYNE LINDAMOOD JR. AND JR'S DEMOLITION & EXCAVATION, § Dissenting and Concurring opinion by INC., Appellees and Cross-Appellants Justice Kerr JUDGMENT This court has considered the record on appeal in this case and holds that there was error in part of the trial court's judgment.

It is ordered that the trial court's judgment is affirmed in part and reversed in part. We reverse the trial court's "Order on Motion to Dismiss" as to Bobby Wayne Lindamood's defamation claim against Michael Alan Taylor, and we remand that claim to the trial court for further proceedings.

We affirm the remainder of the "Order on Motion to Dismiss." We reverse the trial court's "Order on Attorneys' Fees, Costs, Expenses, and Sanctions Pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 27.009," and we remand to the trial court the issue of attorneys' fees, sanctions, and court costs awardable to Jan Mogged and James Richard Fletcher. It is further ordered that all parties shall bear their own costs of this appeal, for which let execution issue.

SECOND DISTRICT COURT OF APPEALS By: /s/ Brian Quinn Chief
Justice Brian Quinn

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/texas-court-of-appeals-of-texas-second-appellate-district-at-fort-worth/2018/jan-mogged-james-richard-fletcher-and-michael-alan-taylor-v-i2g4l2t1>