

FIRST COURT OF APPEALS OF TEXAS AT HOUSTON

**Hercules Offshore Services, LLC and Hercules International Asset
Company, Ltd. v. George True Tillman**

No. 01-15-00306-CV, First Court of Appeals of Texas at Houston (April 14, 2015)

OPINION

PER CURIAM.

ACCEPTED 01-15-00306-CV FIRST COURT OF APPEALS Appellate Docket Number: 01-15-00306-CV HOUSTON, TEXAS 4/14/2015 3:10:02 PM CHRISTOPHER PRINE Appellate Case Style: Hercules Offshore Services, LLC and Hercules International Asset Company, Ltd. CLERK Vs. George True Tillman Companion Case No.: N/A FILED IN 1st COURT OF APPEALS HOUSTON, TEXAS 4/14/2015 3:10:02 PM Amended/corrected statement: DOCKETING STATEMENT (Civil) CHRISTOPHER A. PRINE Clerk Appellate Court:1st Court of Appeals (to be filed in the court of appeals upon perfection of appeal under TRAP 32) I. Appellant II.

Appellant Attorney(s) Person Organization (choose one) Lead Attorney Organization Name: Hercules Offshore Services, LLC First Name: Sean First Name: Middle Name: D. Middle Name: Last Name: Jordan Last Name: Suffix: Suffix: Law Firm Name: Sutherland Asbill & Brennan LLP Pro Se: Address 1: 600 Congress Ave. Address 2: Suite 2000 City: Austin State: Texas Zip+4: 78701-3238 Telephone: (512) 721-2679 ext.

Fax: (512) 721-2656 Email: sean.jordan@sutherland.com SBN: 00790988 I. Appellant II. Appellant Attorney(s) Person Organization (choose one) Lead Attorney Organization Name: Hercules International Asset Company, Ltd. First Name: Sean First Name: Middle Name: D. Middle Name: Last Name: Jordan Last Name: Suffix: Suffix: Law Firm Name: Sutherland Asbill & Brennan LLP Pro Se: Address 1: 600 Congress Ave. Address 2: Suite 2000 Page 1 of 10 City: Austin State: Texas Zip+4: 78701-3238 Telephone: (512) 721-2679 ext.

Fax: (512) 721-2656 Email: sean.jordan@sutherland.com SBN: 00790988 I. Appellant II. Appellant Attorney(s) Person Organization (choose one) Lead Attorney Organization Name: Hercules Offshore Services, LLC First Name: Juan First Name: Middle Name: C. Middle Name: Last Name: Garcia Last Name: Suffix: Suffix: Law Firm Name: Sutherland Asbill & Brennan LLP Pro Se: Address 1: 1001 Fannin Street Address 2: Suite 3700 City: Houston State: Texas Zip+4: 77002-6706 Telephone: (713) 470-6157 ext.

Fax: (713) 654-1301 Email: juan.garcia@sutherland.com SBN: 24045914 I. Appellant II. Appellant Attorney(s) Person Organization (choose one) Lead Attorney Organization Name: Hercules International Asset Company, Ltd. First Name: Juan First Name: Middle Name: C.

Middle Name: Last Name: Garcia Last Name: Suffix: Suffix: Law Firm Name: Sutherland Asbill & Brennan LLP Pro Se: Address 1: 1001 Fannin Street Address 2: Suite 3700 City: Houston State: Texas Zip+4: 77002-6706 Telephone: (713) 470-6157 ext.

Fax: (713) 654-1301 Email: juan.garcia@sutherland.com SBN: 24045914 III. Appellee IV. Appellee Attorney(s) Person Organization (choose one) Lead Attorney First Name: Russell Page 2 of 10 First Name: George Middle Name: S. Middle Name: True Last Name: Post Last Name: Tillman Suffix: Suffix: Law Firm Name: Beck Redden LLP Pro Se: Address 1: 1221 McKinney Street Address 2: Suite 4500 City: Houston State: Texas Zip+4: 77010-2011 Telephone: (713) 951-6292 ext.

Fax: (713) 951-3720 Email: rpost@beckredden.com SBN: 00797258 III. Appellee IV. Appellee Attorney(s) Person Organization (choose one) Lead Attorney First Name: Michael First Name: George Middle Name: E. Middle Name: True Last Name: Pierce Last Name: Tillman Suffix: Suffix: Law Firm Name: Pierce Skrabanek Bruera, PLLC Pro Se: Address 1: 3701 Kirby Drive Address 2: Suite 760 City: Houston State: Texas Zip+4: 77098-3900 Telephone: (832) 690-7000 ext.

Fax: (832) 575-4840 Email: michael@pcsblaw.com SBN: 24039117 III. Appellee IV. Appellee Attorney(s) Person Organization (choose one) Lead Attorney First Name: Jason First Name: George Middle Name: A. Middle Name: True Last Name: Itkin Last Name: Tillman Suffix: Page 3 of 10 Suffix: Law Firm Name: Arnold & Itkin, LLP Pro Se: Address 1: 6009 Memorial Drive Address 2: City: Houston State: Texas Zip+4: 77007-7035 Telephone: (713) 222-3800 ext.

Fax: (713) 222-3850 Email: jitkin@arnolditkin.com SBN: 24032461 Page 4 of 10 V. Perfection Of Appeal And Jurisdiction Nature of Case (Subject matter or type of case): Personal Injury Date order or judgment signed: January 9, 2015 Type of judgment: Jury Trial Date notice of appeal filed in trial court: April 1, 2015 If mailed to the trial court clerk, also give the date mailed: Interlocutory appeal of appealable order: Yes No If yes, please specify statutory or other basis on which interlocutory order is appealable (See TRAP 28): Accelerated appeal (See TRAP 28): Yes No If yes, please specify statutory or other basis on which appeal is accelerated: Parental Termination or Child Protection?

(See TRAP 28.4): Yes ☐ No Permissive? (See TRAP 28.3): Yes No If yes, please specify statutory or other basis for such status: Agreed? (See TRAP 28.2): Yes No If yes, please specify statutory or other basis for such status: Appeal should receive precedence, preference, or priority under statute or rule: Yes No If yes, please specify statutory or other basis for such status: Does this case involve an amount under \$100,000?

Yes No Judgment or order disposes of all parties and issues: Yes No Appeal from final judgment: Yes No Does the appeal involve the constitutionality or the validity of a statute, rule, or

ordinance? Yes No VI. Actions Extending Time To Perfect Appeal Motion for New Trial: Yes No If yes, date filed: February 6, 2015 Motion to Modify Judgment: Yes No If yes, date filed: February 6, 2015 Request for Findings of Fact Yes No If yes, date filed: and Conclusions of Law: Yes No If yes, date filed: Motion to Reinstate: Yes No If yes, date filed: Motion under TRCP 306a: Other: Yes No If other, please specify: VII.

Indigency Of Party: (Attach file-stamped copy of affidavit, and extension motion if filed.) Affidavit filed in trial court: Yes No If yes, date filed: Contest filed in trial court: Yes No If yes, date filed: Date ruling on contest due: Ruling on contest: Sustained Overruled Date of ruling: Page 5 of 10 VIII. Bankruptcy Has any party to the court's judgment filed for protection in bankruptcy which might affect this appeal?

Yes No If yes, please attach a copy of the petition. Date bankruptcy filed: Bankruptcy Case Number: IX. Trial Court And Record Court: 127th District Court Clerk's Record: County: Harris County Trial Court Clerk: District County Trial Court Docket Number (Cause No.): 200942367 Was clerk's record requested? Yes No If yes, date requested: April 1, 2015 Trial Judge (who tried or disposed of case): If no, date it will be requested: First Name: Ravi Were payment arrangements made with clerk?

Middle Name: K. Yes No Indigent Last Name: Sandill (Note: No request required under TRAP 34.5(a),(b)) Suffix: Address 1: 201 Caroline St. Address 2: 10th Floor City: Houston State: Texas Zip + 4: 77002-1901 Telephone: (713) 368-6161 ext. Fax: Email: Reporter's or Recorder's Record: Is there a reporter's record? Yes No Was reporter's record requested? Yes No Was there a reporter's record electronically recorded?

Yes No If yes, date requested: April 1, 2015 If no, date it will be requested: Were payment arrangements made with the court reporter/court recorder? Yes No Indigent Page 6 of 10 Court Reporter Court Recorder Official Substitute First Name: Suzanne Middle Name: Last Name: Saulsberry Suffix: Address 1: 201 Caroline Street Address 2: 10th Floor City: Houston State: Texas Zip + 4: 77002-1901 Telephone: (713) 368-6168 ext.

Fax: Email: suzanne_saulsberry@justex.net X. Supersedeas Bond Supersedeas bond filed: Yes No If yes, date filed: February 9, 2015 Will file: Yes No XI. Extraordinary Relief Will you request extraordinary relief (e.g. temporary or ancillary relief) from this Court? Yes No If yes, briefly state the basis for your request: XII. Alternative Dispute Resolution/Mediation (Complete section if filing in the 1st, 2nd, 4th, 5th, 6th, 8th, 9th, 10th, 11th, 12th, 13th, or 14th Court of Appeal) Should this appeal be referred to mediation?

Yes No If no, please specify: No realistic possibility of settlement Has the case been through an ADR procedure? Yes No If yes, who was the mediator? Ron White What type of ADR procedure? Mediation At what stage did the case go through ADR? Pre-Trial Post-Trial Other If other, please

specify: Type of case? Personal Injury Give a brief description of the issue to be raised on appeal, the relief sought, and the applicable standard for review, if known (without prejudice to the right to raise additional issues or request additional relief): 1) Whether the trial court improperly "unbifurcated" the proceedings; 2) Whether legally or factually sufficient evidence supports the jury verdict.

How was the case disposed of? Trial Summary of relief granted, including amount of money judgment, and if any, damages awarded. Jury awarded If money judgment, what was the amount? Actual damages: \$14,821,012.00 Punitive (or similar) damages: \$2,000,000.00 Page 7 of 10 Attorney's fees (trial): \$162,624.00 Attorney's fees (appellate): Other: If other, please specify: Will you challenge this Court's jurisdiction?

Yes No Does judgment have language that one or more parties "take nothing"? Yes No Does judgment have a Mother Hubbard clause? Yes No Other basis for finality? Rate the complexity of the case (use 1 for least and 5 for most complex): 1 2 3 4 5 Please make my answer to the preceding questions known to other parties in this case. Yes No Can the parties agree on an appellate mediator?

Yes No If yes, please give name, address, telephone, fax and email address: Name Address Telephone Fax Email Languages other than English in which the mediator should be proficient: Name of person filing out mediation section of docketing statement: Sean D. Jordan XIII. Related Matters List any pending or past related appeals before this or any other Texas appellate court by court, docket number, and style.

Docket Number: Trial Court: Style: Vs. Page 8 of 10 XIV. Pro Bono Program: (Complete section if filing in the 1st, 3rd, 5th, or 14th Courts of Appeals) The Courts of Appeals listed above, in conjunction with the State Bar of Texas Appellate Section Pro Bono Committee and local Bar Associations, are conducting a program to place a limited number of civil appeals with appellate counsel who will represent the appellant in the appeal before this Court.

The Pro Bono Committee is solely responsible for screening and selecting the civil cases for inclusion in the Program based upon a number of discretionary criteria, including the financial means of the appellant or appellee. If a case is selected by the Committee, and can be matched with appellate counsel, that counsel will take over representation of the appellant or appellee without charging legal fees.

More information regarding this program can be found in the Pro Bono Program Pamphlet available in paper form at the Clerk's Office or on the Internet at www.tex-app.org. If your case is selected and matched with a volunteer lawyer, you will receive a letter from the Pro Bono Committee within thirty (30) to forty-five (45) days after submitting this Docketing Statement.

Note: there is no guarantee that if you submit your case for possible inclusion in the Pro Bono Program, the Pro Bono Committee will select your case and that pro bono counsel can be found to represent you. Accordingly, you should not forego seeking other counsel to represent you in this proceeding. By signing your name below, you are authorizing the Pro Bono committee to transmit publicly available facts and information about your case, including parties and background, through selected Internet sites and Listserv to its pool of volunteer appellate attorneys.

Do you want this case to be considered for inclusion in the Pro Bono Program? Yes No Do you authorize the Pro Bono Committee to contact your trial counsel of record in this matter to answer questions the committee may have regarding the appeal? Yes No Please note that any such conversations would be maintained as confidential by the Pro Bono Committee and the information used solely for the purposes of considering the case for inclusion in the Pro Bono Program.

If you have not previously filed an affidavit of Indigency and attached a file-stamped copy of that affidavit, does your income exceed 200% of the U.S. Department of Health and Human Services Federal Poverty Guidelines? Yes No These guidelines can be found in the Pro Bono Program Pamphlet as well as on the internet at <http://aspe.hhs.gov/poverty/06poverty.shtml>.

Are you willing to disclose your financial circumstances to the Pro Bono Committee? Yes No If yes, please attach an Affidavit of Indigency completed and executed by the appellant or appellee. Sample forms may be found in the Clerk's Office or on the internet at <http://www.tex-app.org>. Your participation in the Pro Bono Program may be conditioned upon your execution of an affidavit under oath as to your financial circumstances.

Give a brief description of the issues to be raised on appeal, the relief sought, and the applicable standard of review, if known (without prejudice to the right to raise additional issues or request additional relief; use a separate attachment, if necessary). XV. Signature Signature of counsel (or pro se party) Date: April 14, 2015 Printed Name: Sean D. Jordan State Bar No.: 00790988 Electronic Signature: /s/ Sean D. Jordan (Optional) Page 9 of 10 XVI.

Certificate of Service The undersigned counsel certifies that this docketing statement has been served on the following lead counsel for all parties to the trial court's order or judgment as follows on April 14, 2015. Signature of counsel (or pro se party) Electronic Signature: /s/ Sean D. Jordan (Optional) State Bar No.: 00790988 Person Served Certificate of Service Requirements (TRAP 9.5(e)): A certificate of service must be signed by the person who made the service and must state: (1) the date and manner of service; (2) the name and address of each person served, and (3) if the person served is a party's attorney, the name of the party represented by that attorney Please enter the following for each person served: Date Served: April 14, 2015 Manner Served: eServed First Name: Russell Middle Name: S. Last Name: Post Suffix: Law Firm Name: Beck Redden LLP

Address 1: 1221 McKinney Street Address 2: Suite 4500 City: Houston State Texas Zip+4: 77010-2011 Telephone: (713) 951-6292 ext.

Fax: (713) 951-3720 Email: rpost@beckredden.com If Attorney, Representing Party's Name: George True Tillman Page 10 of 10