

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

TOMMY R. SPEAKMAN)	
)	
Plaintiff,)	
)	Case No. 04CV222044
v.)	
)	Division 2
THE FINANCE PLAZA, INC. and REGENCY FINANCIAL CORP.,)	
)	
Defendants.)	

AMENDED JUDGMENT

The above case came on for trial on the 5th day of September, 2006. The Plaintiff, Tommy R. Speakman, appeared in person and by counsel, Bernard E. Brown and Dale K. Irwin. Defendant, Regency Financial Corp., appeared through its corporate representative, Richard Candillo, and counsel, Charles E. Weedman Jr. Defendant, The Finance Plaza, Inc., appeared through its attorney, Charles E. Weedman, Jr. The Court entertained motions in limine and ruled thereon. A venirepanel was summoned. The parties conducted voir dire. Both parties made challenges for cause. The parties made peremptory challenges. The parties stipulated on the record that the jury conformed to the strikes. The Court seated a Jury of twelve members and two alternates. The Court read Instruction No. 1 to the Jury. The parties presented their opening statements. Plaintiff commenced his evidence.

On September 6, 2006, the same parties and counsel appeared. Plaintiff resumed his evidence.

On September 7, 2006, the same parties and counsel appeared. Plaintiff resumed his evidence. Before Plaintiff rested, Defendants commenced their evidence.

On September 8, 2006, the same parties and counsel appeared. The Court was advised that Juror Matthew Nelson was unable to continue serving on the Jury because his wife gave birth to a baby. With the agreement of counsel for the parties, the Court excused Mr. Nelson from further service in this case and elevated Alternate Wes LaPlante to sit on the Jury. Plaintiff resumed his evidence. Thereafter, Plaintiff rested. Defendants moved for a Directed Verdict at the Close of Plaintiff's Evidence, which motion the Court denied. Defendants resumed their evidence. Defendants rested. Thereupon, Defendants moved for a Directed Verdict at the Close of All the Evidence, which motion the Court denied. The Court conducted an instruction conference. The Court instructed the Jury by reading Instruction Nos. 2 through 13 to the Jury. The parties argued the case. Upon the conclusion of arguments, the Court excused the remaining alternate Juror. The Jury commenced deliberations. Thereafter, the Jury returned the following verdict:

VERDICT A

On the claim of plaintiff Tommy Speakman for violation of the Federal Odometer Statute against Defendant The Finance Plaza, Inc., we, the undersigned Jurors, find in favor of: Tommy Speakman.

On the claim of plaintiff Tommy Speakman for fraudulent misrepresentation against defendant The Finance Plaza, Inc., we, the undersigned Jurors, find in favor of: Tommy Speakman.

On the claim of plaintiff Tommy Speakman for violation of the Federal Odometer Statute against defendant Regency Financial Corp., we, the undersigned Jurors, find in favor of: Tommy Speakman.

On the claim of Plaintiff Tommy Speakman for fraudulent misrepresentation against defendant Regency Financial Corp., we, the undersigned Jurors, find in favor of: Tommy Speakman.

We, the undersigned Jurors, assess the compensatory damages of plaintiff Speakman at \$39,423.00.

We, the undersigned Jurors, find that defendant The Finance Plaza, Inc., is liable for punitive damages.

We, the undersigned Jurors, find that Defendant Regency Financial Corp. is liable for punitive damages.

Mary Kay Mustard

Wes LaPlante

Leavyette L. Dennis

Jerry Edgman

Andrea Kalwai

Kathy L. Johnson

Betty Robertson

Garrick T. Smith

Shari Smotherman

Kelly D. Parnell

Stephen Baker

Michael Douglas

Upon the Jury's finding of Defendants' responsibility for payment of punitive damages, Plaintiff presented evidence in support of the punitive damage claim.

Defendant presented no evidence. The Court read Instructions Nos. 14 through 16 to the

Jury. The parties argued their cases. The Jury commenced its deliberations on the punitive damages phase. Thereafter, the Jury returned the following verdict:

VERDICT B

We, the undersigned Jurors, assess punitive damages against defendant The Finance Plaza, Inc., at \$500,000.

We, the undersigned Jurors, assess punitive damages against defendant Regency Financial Corp. at \$500,000.

Mary Kay Mustard

Wes LaPlante

Leavynette L. Dennis

Jerry Edgman

Andrea Kalwai

Kathy L. Johnson

Betty Robertson

Garrick T. Smith

Shari Smotherman

Kelly D. Parnell

Michael Douglas

On October 10, 2006, Plaintiff filed "Plaintiff's Motion To Amend The Judgment To Include Attorneys' Fees And To Treble The Actual Damages Award Under Federal Odometer Law, With Suggestions And Affidavits In Support." The Defendants subsequently filed "Defendants' Objection To Amendment Of Judgment To Include Award Of Attorney's Fees And Treble Damages And Counter Motion To Require Plaintiff To Elect Between Remedies". The Court having considered the parties' submissions on these motions, and being fully advised in the premises, hereby overrules Defendants' "Counter Motion", and sustains Plaintiff's Motion. The Court, upon

consideration of all factors bearing on the issue of attorneys' fees, hereby finds that an award to plaintiff of attorneys' fees in the amount of \$141,792.00, jointly and severally against the Defendants, is appropriate. On the Plaintiff's claims under the Federal Odometer Statutes, the Court also trebles the award of actual damages, to \$118,269, and assesses such award separately and individually against each Defendant. However, the awards for actual and punitive damages for fraudulent misrepresentation and the award of treble damages against each Defendant overlap and to the extent of such overlap they merge, so that the Plaintiff may recover damages (as distinguished from attorneys' fees, costs and interest) against each Defendant of a maximum of \$539,423.00, and may not recover treble damages in addition to that amount.

IT IS, THEREFORE ORDERED, ADJUDGED, AND DECREED that the issues are found in favor of the Plaintiff and against Defendants, jointly and severally, and actual damages against said Defendants are assessed in the amount of \$39,423.00.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the issue of punitive damages is found in favor of the Plaintiff and against Defendant, The Finance Plaza, Inc., and such damages are assessed against said Defendant, separately and individually, in the amount of \$500,000.00.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the issue of punitive damages is found in favor of the Plaintiff and against Defendant, Regency Financial Corp., and such damages are assessed against said Defendant, separately and individually, in the amount of \$500,000.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that under the Federal Odometer Statutes the Defendant, The Finance Plaza, Inc., is liable to the Plaintiff for treble damages, and such damages are assessed against said Defendant, separately and individually, in the amount of \$118,269.00.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that under the Federal Odometer Statutes the Defendant, Regency Financial Corp., is liable to the Plaintiff for treble damages, and such damages are assessed against said Defendant, separately and individually, in the amount of \$118,269.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that any payment by either Defendant toward satisfaction of the actual damages recited above will count also toward satisfaction of both of the treble damages awards against the Defendants under the Federal Odometer Statutes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that any payment by either Defendant toward satisfaction of the punitive damages assessed against it will also count toward satisfaction of the treble damages award against that Defendant under the Federal Odometer Statutes.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that attorneys' fees are assessed in favor of the Plaintiff, and against Defendants jointly and severally, in the amount of \$141,729.00.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Counts III and IV of Plaintiff's Petition, and any other claims not submitted to the jury or determined by

the Court as stated above, were abandoned by the Plaintiff at trial and are dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the costs of this action be assessed against Defendants jointly and severally.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that interest on this Amended Judgment shall be calculated as running from the date of the entry of the original Judgment, September 8, 2006, except that interest on the attorneys' fees portion of this Amended Judgment shall be calculated as running from the date of the entry of this Amended Judgment.

From this Amended Judgment let execution issue.


MICHAEL W. MANNERS, Judge

Dated: Dec 5, 2006

A copy of the foregoing was mailed this
5th day of December, 2006, to the following:
Bernard E. Brown (fax 913-789-9470)
Dale K. Irwin (fax 816-531-2147)
Charles E. Weedman, Jr. (fax 816-380-2976)
Steven G. Mirakian (fax 816-221-3280)



D. Walker