



# CANTEY HANGER LLP

A T T O R N E Y S

MARY H. BARKLEY  
DIRECT: 817.877.2889  
EMAIL: mbarkley@canteyhanger.com  
www.canteyhanger.com

CANTEY HANGER PLAZA  
600 WEST 6TH STREET, SUITE 300  
FORT WORTH, TEXAS 76102-3685  
MAIN: 817.877.2800  
FAX: 817.877.2807

HAR131 / 107956

May 23, 2016

**VIA E-MAIL:**

**[andrew.lucas@co.somervell.tx.us](mailto:andrew.lucas@co.somervell.tx.us)**

Andrew Lucas, Esq.  
Somervell County Attorney  
P.O. Box 1335  
Glen Rose, Texas 76043

RE: Cause No: C10369; *George Darrell Best v. Paul Reed Harper*; in the 249th  
Judicial District Court, Somervell County, Texas

## **Rule 408 Confidential Settlement Communication**

Dear Mr. Lucas,

As you know, the Texas Citizens Participation Act (the "Act") provides for a mandatory award of court costs, attorneys' fees, and sanctions to a party that succeeds on a motion to dismiss under the Act. TEX. CIV. PRAC. & REM. CODE § 27.009. The Waco Court of Appeals has now acknowledged that my client is entitled to court costs, attorneys' fees, and sanctions against the State. Mr. Harper is confident that the Waco Court of Appeals' opinion will be upheld and, on remand, Mr. Harper intends to pursue recovery of the \$137,029.78 in attorneys' fees and \$993.78 in costs that he has incurred to date. Mr. Harper will also seek sanctions in an amount equal to or greater than the attorneys' fees incurred to date. Thus, your client's total monetary exposure is well over \$250,000.

Attorneys' fees will continue to increase the longer this lawsuit continues. Mr. Harper is entitled, under the Act, to any fees incurred to recover attorneys' fees.

In an effort to get this matter behind him, Mr. Harper offers, in accordance with Texas Rule of Evidence 408, to drop his claims for attorneys' fees, costs, and sanctions against the State in exchange for payment of 50% of his total attorneys' fees incurred in the case, which amount is \$68,514.89. This offer is on the condition that the State takes

DALLAS • FORT WORTH

 MERITAS LAW FIRMS WORLDWIDE

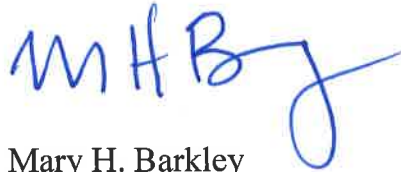
Andrew Lucas, Esq.  
Somervell County Attorney  
May 23, 2016  
Page 2

---

all necessary steps to dismiss its motion for rehearing and the underlying lawsuit. This offer will remain open for the next ten (10) calendar days, after which time it will be withdrawn.

I trust you will route this confidential offer to your client. We look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MHB' followed by a stylized flourish.

Mary H. Barkley

MHB:kag