



**COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON**

ORDER

Appellate case name: Panton Incorporated v. Bees360, Inc., Kun Liu a/ka/a Andy
Mavers, and Xiaoqing Wu

Appellate case number: 1-20-00267-CV

Trial court case number: 2019-56028

Trial court: 215th District Court of Harris County, Texas

Appellant, Panton Incorporated, has filed an “Emergency Motion to Reduce Excessive Supersedeas Bond.” In so doing, Appellant has requested pursuant to Texas Rule of Appellate Procedure 24.4(a) that this Court review and overturn the trial court’s May 11, 2020 order requiring that it post a bond in the amount of \$140,780.97 plus interest in order to supersede the trial court’s March 10, 2020 final judgment.

In its motion, appellant requests that the bond amount be reduced to an amount that does not include the attorney-fee award made by the trial court pursuant to the Texas Citizens Participation Act, TEX. CIV. PRAC. & REM. CODE §§ 27001-27.011 (“TCPA”). Attorney fees awarded when claims are dismissed pursuant to the TCPA are not compensatory damages. *See In re Nalle Plastics Family Ltd. P’ship*, 406 S.W.3d 168, 173 (Tex. 2013) (“While attorney’s fees . . . may be compensatory in that they help make a claimant whole, they are not, and have never been, damages. Not every amount, even if compensatory, can be considered damages.”); *Mansik & Young Plaza LLC v. K-Town Mgmt., LLC*, 470 S.W.3d 840, 844 (Tex. App.—Dallas 2015, no pet.) (“There is nothing in the language of section 27.009 to indicate that the attorney’s fees provided constitute ‘compensation owed for an underlying harm’ in accordance with the purpose of the TCPA rather than ‘fees that may be awarded for counsel’s services’ in defending a claim.”).

Accordingly, we grant appellant’s motion, set aside the trial court’s May 11, 2020 order, and reduce the amount of the bond required to supersede enforcement of the March 10, 2020 judgment to such amount equal to the bill of costs, interest on that amount, and

any fees associated with the payment of the bond itself.¹ We vacate the temporary stay order that we issued on May 22, 2020.

It is so ORDERED.

Judge's signature: _____
 /s/ Russell Lloyd
 Acting individually

Date: June 30, 2020

¹ Appellant asserts in its motion that \$55.10 in costs were awarded to appellees but the final judgment in the appellate record does not identify the amount of the costs of court.