

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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FOR IMMEDIATE RELEASE
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Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, June 22, 2017, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Rebeca C. Martinez, and Justice Irene Rios.

The following case will be presented:

Jason Campbell v. Ben Luong - This appeal and cross-appeal arise from a dispute over a real estate commission. After a bench trial, the trial court awarded judgment in favor of Dr. Ben Luong, finding Jason Campbell violated the DPTA, breached a fiduciary duty owed to Luong, and engaged in common law fraud. Campbell presents five issues on appeal contending: (1) the statute of frauds bars the enforceability of any commission agreement between the parties; (2) Luong ratified the agreement to pay Campbell a 2.45% commission by closing the sale of the property; (3) the evidence is insufficient to support the trial court's liability findings or, alternatively, Luong was not entitled to pursue tort claims against Campbell; and (4) the trial court erred in awarding appellate attorney's fees that were not conditioned on a successful appeal. In his cross-appeal, Luong contends the trial court erred by: (1) reducing the amount of attorney's fees he was awarded; (2) not awarding him appellate attorney's fees and denying his request to introduce a supplemental affidavit as evidence to support an award of appellate attorney's fees; (3) failing to find Campbell engaged in fraud in a real estate transaction; (4) failing to award him expert witness fees; and (5) failing to award him prejudgment interest.

The oral arguments will be held in the Fourth Court's Courtroom, Cadena-Reeves Justice Center, Third Floor, 300 Dolorosa, San Antonio, Texas.