

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
300 Dolorosa, Suite 3200
San Antonio, Texas 78205-3037



Contact: Luz Estrada, Chief Deputy Clerk
Phone: (210) 335-3219

FOR IMMEDIATE RELEASE
June 14, 2017

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, Caden-Reeves Justice Center, Third Floor, 300 Dolorosa, San Antonio, Texas.