

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA
2006 JAN 18 AM 11:46
TOM LAWLER, CLERK

WESTERN SERVICES LLC,)
)
)
Plaintiff,)
)
v.)
)
RICHARD J. MORRELL (a/k/a NICK)
MORRELL and NICHOLAS)
CASCARARIO), HOLIDAY)
ENTERPRISES, INC., HOLIDAY)
HEALTH PRODUCTS, INC., HOLIDAY)
ENTERPRISES PRODUCT)
MANAGEMENT, INC., and)
BRANDMAKERS, INC.)
)
Defendants.)
_____)

CIVIL ACTION
FILE NO. 03-A10021-4

FINAL ORDER AND JUDGMENT

This matter came before the Court for a jury trial, which commenced on January 9, 2006 and concluded on January 14, 2006. The Jury having rendered a verdict on January 14, 2006, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

DIRECTED VERDICT

1. The Parties each moved for directed verdict at the conclusion of the trial. After consideration of the Parties' arguments and the evidence presented during trial, the Court made the following rulings:

- (a) Plaintiff Alexander Silagin was removed as a party Plaintiff in the case. Western Services, LLC remained as the sole Plaintiff;

- (b) Defendant Geoffrey A. Williams was dismissed as a cross-claim Defendant. Brandmakers, Inc. remained as a cross-claim Defendant; and,
- (c) The Court ruled that the undisputed evidence had established a claim for violation of the Georgia Securities Act of 1973 against Holiday Enterprises, Inc. The Court then allowed the jury to determine the amount of Plaintiff's damages, if any, and whether Defendant Morrell was also liable for violating the Georgia Securities Act of 1973.

VERDICT OF THE JURY

2. The Jury **FOUND**, by a preponderance of the evidence, against Defendants Richard J. Morrell, Holiday Enterprises Inc., and Holiday Products Management Inc. and in favor of Plaintiff, Western Services, LLC, on Plaintiff's Fraud claim.

3. The Jury **FOUND**, by a preponderance of the evidence, against Defendant Richard J. Morrell and in favor of Plaintiff, Western Services, LLC, on Plaintiff's claims for violation of the Georgia Securities Act of 1973 and the Georgia RICO Act.

4. The Jury **FOUND** Defendants Richard J. Morrell, Holiday Enterprises Inc., and Holiday Products Management Inc., liable to Plaintiff, Western Services, LLC, jointly and severally, in the principal amount of \$326,250.00, pre-judgment interest in the amount of \$85,624.00, and reasonable attorney fees in the amount of \$139,000.00.

5. The Jury further **FOUND** by clear and convincing evidence, against Defendants Richard J. Morrell, Holiday Enterprises Inc., and Holiday Products Management Inc., jointly and severally, in the amount of \$4,000,000.00 in punitive damages.

6. The Jury further **FOUND** against Holiday Enterprises Inc. on its cross-claim against Brandmakers, Inc.

ORDER AND JUDGMENT

7. **ACCORDINGLY**, the Court **HEREBY ENTERS** judgment in favor of Plaintiff, Western Services, LLC, and against Defendants Richard J. Morrell, Holiday Enterprises Inc., and Holiday Products Management Inc., jointly and severally, in the amount of **\$4,550,874.00** (which amount includes the principal amount of \$326,250.00, plus prejudgment interest thereon totaling \$85,624.00, plus reasonable attorney fees in the amount of \$139,000.00, plus punitive damages in the amount of \$4,000,000.00).

8. The Court **FURTHER ORDERS** that pursuant to O.C.G.A. § 16-14-6(c), the actual and punitive damages awarded to Plaintiff shall be trebled against Defendant Richard J. Morrell. *See Speir v. Krieger*, 235 Ga.App. 392, 402 (1998). **ACCORDINGLY**, the Court **HEREBY ENTERS** judgment in favor of Plaintiff, Western Services, LLC and against Richard J. Morrell, individually, in the amount of **\$13,374,622.00**.

9. The Court **FURTHER ORDERS** that this Judgment accrue post judgment interest at the statutory rate until paid in full.

10. The Court **ENTERS** Judgment in favor of Brandmakers, Inc. and against Holiday Enterprises, Inc. on Holiday Enterprises, Inc.'s crossclaim.

11. The Court **FURTHER ORDERS** that a writ of fieri facias be issued ten (10) days from entry of this order against Defendants Richard J. Morrell, Holiday Enterprises Inc., and Holiday Products Management Inc., in the aforementioned amounts.

SO ORDERED, this 18th day of January, 2006.



Michael C. Clark
Judge, Superior Court, Gwinnett County, Georgia
Gwinnett Judicial Circuit

Prepared, as directed, by:

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