

("Defendant Ward" herein) is a licensed attorney in the State of Texas and may be served with citation at 12655 North Central Expressway, Suite 1000, Dallas, Texas 75243.

2.02 Venue is proper in the county because both parties reside here.

2.03 Plaintiffs request the Clerk to serve citation by certified mail.

III.

3.01 Defendant Ward, acting on behalf of Defendant Law Firm and the P.C., represented Plaintiffs in litigation in Denton County, Texas, bearing Cause Number 2009-30298-211 and in Collin County, Texas, Cause Number 429-02289-2009. Both cases were brought by Plains Capital Bank against Plaintiffs and both resulted in judgments against Plaintiffs. The Denton County case judgment was entered as a default as a result of negligence on the part of another lawyer, but Defendant Ward assumed representation of Plaintiffs in the Denton County case and promised to appeal the case, assuring Plaintiffs that there were good grounds for the appeal and to overturn the default that had resulted in the Judgment. Defendant failed to properly calendar the deadline for filing the notice of appeal, or for other reasons permitted the deadline to pass, resulting in the loss of Plaintiffs' right to appeal and the failure to reverse the default judgment, since the Notice of Appeal was not timely filed.

3.02 In the Collin County case, a summary judgment was entered against Plaintiff. In that case, Defendant Lloyd Ward failed to apprise the associate in the Defendant Law Firm, Kyle Harnek, of a Supplement to the Motion for Summary Judgment which had been filed by the bank. The grounds stated in its Supplement were incorrect and could have been controverted, but the lawyer for Defendant Law Firm appearing at the Summary Judgment hearing had no notice of the Supplement prior to the hearing and therefore did not have time to prepare. Had he had time to prepare, he would

have controverted the arguments of the bank and prevented the summary judgment from being entered.

3.03 Defendants also failed to properly and timely appeal the summary judgment on behalf of Plaintiffs.

3.04 A deed by one or more of the Plaintiffs to four lots in Denton County, Texas was given to an entity owned by Defendant Lloyd Ward's wife as payment on Defendant Law Firm's attorney's fees. Defendant Ward, admitting his fault for the missed deadline on the Notice of Appeal in Denton County, agreed to return the lots because of a subsequent bankruptcy and receivership, but after re-conveying the lots to Plaintiffs, Ward and the other Defendants failed to actively and zealously represent his clients such that adverse rulings were entered in the receivership matter and in the summary judgment matter discussed previously. Defendants failed to read and understand loan documents and to present evidence of the actual value of property in the Collin County action, resulting in an excessive Judgment against Plaintiffs.

The acts of Defendant Ward are the acts of Defendant Law Firm and the P.C. under the doctrine of *respondeat superior*.

IV.

4.01 Defendants breached their fiduciary duties of loyalty and honesty to Plaintiffs and were negligent in their representation of Plaintiffs. Such breaches of duty by Defendants resulted in damages to Plaintiffs for which they seek recovery.

WHEREFORE, Plaintiffs pray that have and recover judgment against Defendants, and each of them, for compensatory damages and exemplary damages; for costs of suit incurred herein;

pre and post-judgment interest as provided by law; and such other and further relief as Plaintiffs may show themselves to be entitled.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS