

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

CANYON RIDGE RESORT, LLC, SINGING
SISTERS FALLS, LLC and SCENIC LAND
COMPANY, LLC,

Plaintiffs,

VS.


STERNE AGEE & LEACH, INC. and
EDMUND J. WALL,

Defendants.

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DOCKET NUMBER 11C1083

DIVISION ONE

FILED IN OFFICE
2015 JUN -4 AM 9:42
LARRY L. HENRY, CLERK
BY  DC

FINAL JUDGMENT

The foregoing case came on to be heard before the Court on April 21, 2015, when during the course of jury selection, the case was continued until April 22, 2015 at 9:00 a.m.

On April 22, 2015, the case proceeded before the Court and jury selection was completed. The case proceeded before the Court and the following jury of good and lawful men and women to wit: Andrew L. Sampson, Patricia A. Hladik, Michael A. East, Sherley A. Cox, Misty C. Jackson, Carol A. Mink, Philip M. Ferguson, April D. Confer, Cynthia D. Hunter, Gary P. Shuford, Raymond L. Miller, Lisa M. Hale, Loretia E. Dallis, Rechie L. Smith, Bryan C. Higgins and Richard S. Smith, all duly qualified, empaneled and sworn according to law, when after hearing opening statements, the jury was respited until April 23, 2015 at 9:00 a.m.

On April 23, 2015, the case proceeded with the same jury and after hearing part of the proof, the jury was respited until April 24, 2015 at 9:00 a.m.

On April 24, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until Tuesday morning, April 28, 2015, at 9:00 a.m.

On April 28, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until April 29, 2015 at 9:00 a.m.

On April 29, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until April 30, 2015 at 9:00 a.m.

On April 30, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until May 1, 2015 at 9:00 a.m.

On May 1, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until Tuesday, May 5, 2015, at 9:00 a.m.

On May 5, 2015, juror Raymond L. Miller was excused due to becoming ill. The case proceeded with the remaining jurors and after hearing further proof, the jury was respited until May 6, 2015 at 9:00 a.m.

On May 6, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until May 7, 2015 at 9:00 a.m.

On May 7, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until May 8, 2015 at 9:00 a.m.

On May 8, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until Tuesday, May 12, 2015, at 9:30 a.m.

On May 12, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until May 13, 2015 at 9:00 a.m.

On May 13, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until May 14, 2015 at 9:00 a.m.

On May 14, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until May 15, 2015 at 8:30 a.m.

On May 15, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until Monday, May 18, 2015, at 8:30 a.m.

On May 18, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until May 19, 2015 at 8:30 a.m.

On May 19, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until May 20, 2015 at 8:30 a.m.

On May 20, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until May 21, 2015 at 8:30 a.m.

On May 21, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until May 22, 2015 at 9:00 a.m.

On May 22, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until Tuesday morning, May 26, 2015, at 8:30 a.m.

On May 26, 2015, the case proceeded with the same jury and after hearing further proof, the jury was respited until May 27, 2015 at 9:00 a.m.

On May 27, 2015, the jury heard argument of counsel and received the charge of the Court. Thereafter, the alternate jurors, Lisa M. Hale, Andrew L. Sampson and April D. Confer, were excused by the Court. After deliberating for a short while, the jury was respited until May 28, 2015 at 8:30 a.m.

On May 28, 2015, the case proceeded with the same jury and after further deliberation the jury, on their oaths say, they find the issues in favor of the Plaintiff, Canyon Ridge Resort, LLC, assessing damages for lost profits in the amount of Three Million Five Hundred Ninety-Nine Thousand (\$3,599,000) Dollars, assessing damages for reimbursable expenses in the amount of Three Million Three Hundred Thousand Dollars (\$3,300,000) for total damages in the amount of Six Million Eight Hundred Ninety-Nine Thousand (\$6,899,000) Dollars and finding punitive damages should be awarded; in favor of the Plaintiff, Singing Sister Falls, LLC, assessing damages for lost land value in the amount of Eight Million Seven Hundred Thousand (\$8,700,000) Dollars and finding punitive damages should be awarded; and in favor of the Plaintiff, Scenic Land Company, LLC assessing damages for lost development fee in the amount of Five Million (\$5,000,000) Dollars and finding punitive damages should be awarded against the Defendants, Sterne Agee & Leach, Inc. and Edmund J. Wall. The finding of the jury is evidenced by the Jury Verdict Form attached hereto as Exhibit A. The jury was then respited until Monday, June 1, 2015, at 8:30 a.m.

On June 1, 2015, the case proceeded with the same jury, heard further proof, argument of counsel, received the charge of the Court, and after due consideration thereof, on their oaths say they find in favor of the Plaintiffs, Canyon Ridge Resort, LLC and Scenic Land Company, LLC against the Defendants, Sterne Agee & Leach, Inc. and Edmund J. Wall, and that punitive damages should be assessed. The jury further, on their oaths say, they find the Plaintiff, Singing Sister Falls, LLC, is not entitled to punitive damages. The finding of the jury is evidenced by the Jury Verdict Form attached hereto as Exhibit B.

The jury then, on their oaths, set the amount of punitive damages for the Plaintiff, Canyon Ridge Resort, LLC, in the amount of Ten Million (\$10,000,000) Dollars against the Defendant, Sterne Agee & Leach, Inc., and in the amount of One Million (\$1,000,000) Dollars against the Defendant, Edmund J. Wall; and for the Plaintiff, Scenic Land Company, LLC, in the amount of Two Hundred and Fifty Thousand (\$250,000) Dollars against the Defendant, Sterne Agee & Leach, Inc., and in the amount of Two Hundred and Fifty Thousand (\$250,000) Dollars against the Defendant, Edmund J. Wall. The finding of the jury is evidenced by the Jury Verdict Form attached hereto as Exhibit C.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** by the Court the Plaintiff, Canyon Ridge Resort, LLC, have and recover of the Defendants, Sterne Agee & Leach, Inc. and Edmund J. Wall, the total sum of Six Million Eight Hundred Ninety Nine-Thousand (\$6,899,000) Dollars for compensatory damages.

It is further **ORDERED, ADJUDGED** and **DECREED** by the Court the Plaintiff, Singing Sisters Falls, LLC, have and recover of the Defendants, Sterne Agee & Leach, Inc. and Edmund J. Wall, the sum of Eight Million Seven Hundred Thousand (\$8,700,000) Dollars for compensatory damages.

It is further **ORDERED, ADJUDGED** and **DECREED** by the Court the Plaintiff, Scenic Land Company, LLC, have and recover of the Defendants, Sterne Agee & Leach, Inc. and Edmund J. Wall, the sum of Five Million (\$5,000,000) Dollars.

It is further **ORDERED, ADJUDGED** and **DECREED** by the Court the Plaintiff, Canyon Ridge Resort, LLC, have and recover of the Defendant, Sterne Agee & Leach, Inc., the sum of Ten Million (\$10,000,000) Dollars for punitive damages.


It is further **ORDERED, ADJUDGED** and **DECREED** by the Court the Plaintiff, Canyon Ridge Resort, LLC, have and recover of the Defendant, Edmund J. Wall, the sum of One Million (\$1,000,000) Dollars for punitive damages.

It is further **ORDERED, ADJUDGED** and **DECREED** by the Court the Plaintiff Scenic Land Company, LLC, have and recover of the Defendant, Sterne Agee & Leach, Inc., the sum of Two Hundred and Fifty Thousand (\$250,000) Dollars for punitive damages.

It is, further **ORDERED, ADJUDGED** and **DECREED** by the Court the Plaintiff, Scenic Land Company, LLC, have and recover of the Defendant, Edmund J. Wall, the sum of Two Hundred and Fifty Thousand (\$250,000) Dollars for punitive damages.

It is further **ORDERED, ADJUDGED** and **DECREED** by the Court that the costs of this cause are taxed against the Defendants, Sterne Agee & Leach, Inc. and Edmund J. Wall, and surety, if any, for which execution may issue.

ENTERED this 4th day of June, 2015.



J. B. BENNETT
JUDGE, DIVISION ONE

(Clerk Certificate on following page)

CLERK CERTIFICATE

The undersigned hereby certifies that a copy of this Order has been mailed to all parties or counsel to all parties in this cause.

This 4th day of May, 2015.
LARRY L. HENRY, CLERK

By: MSmith, D.C.

cc:

William G. Colvin, Attorney
William G. Colvin PLLC
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Terminus 200
Atlanta GA 30309

THE FOREGOING IS A
TRUE & CORRECT COPY
OF THE FINAL JUDGEMENT ENTERED
TO THE ABOVE STYLED CAUSE, THIS 4th DAY OF MAY, 2015.

JUN -4 15

LARRY L. HENRY, CLERK

BY MS 7
DC

Exhibit A

IN THE CIRCUIT COURT OF TENNESSEE
ELEVENTH JUDICIAL DISTRICT
AT CHATTANOOGA

FILED IN OFFICE
2019 JUN -4 AM 10:08
LARRY L. HENRY, CLERK
BY MS DC

Canyon Ridge Resort, LLC, Singing
Sisters Falls, LLC, and Scenic Land
Company, LLC,

Plaintiffs,

v.

Sterne Agee & Leach, Inc. and
Edmund J. Wall,

Defendants.

JURY DEMAND

Civil Action No. 11-C-1083
Division I

JURY VERDICT FORM

We, the jury, unanimously answer the questions submitted by the
Court as follows:

PLAINTIFF CANYON RIDGE RESORT, LLC'S CLAIMS

Liability

1. Do you find that Plaintiff Canyon Ridge Resort, LLC proved by
a preponderance of the evidence all the elements of its claim for
intentional misrepresentation against Ed Wall?

Yes No

2. Do you find that Plaintiff Canyon Ridge Resort, LLC proved by
a preponderance of the evidence all the elements of its claim for
negligent misrepresentation against Ed Wall?

Yes No

3. Do you find that Plaintiff Canyon Ridge Resort, LLC proved by a preponderance of the evidence all the elements of its claim for breach of fiduciary duties as a manager of Canyon Ridge Resort, LLC against Ed Wall?

Yes No

4. If you answered "Yes" to Question No. 3, do you find by a preponderance of the evidence that Ed Wall acted as an agent of Defendant Sterne Agee & Leach, Inc. when he committed acts of breach of fiduciary duties to Canyon Ridge Resort, LLC? (You are ONLY to answer this question if you answered "Yes" to Question No. 3. If you answered "No" to Question No. 3, you are not to answer Question No. 4 and should move to Question No. 5.)

Yes No

5. Do you find that Plaintiff Canyon Ridge Resort, LLC proved by a preponderance of the evidence all the elements of its claim that Defendant Ed Wall engaged in a civil conspiracy to breach Randy Baker's fiduciary duties as a manager of Canyon Ridge Resort, LLC?

Yes No

6. Do you find that Plaintiff Canyon Ridge Resort, LLC proved by a preponderance of the evidence all the elements of its claim for breach of fiduciary duties as investment banker against Ed Wall?

Yes No

7. Do you find that Plaintiff Canyon Ridge Resort, LLC proved by a preponderance of the evidence all the elements of its claim for negligence against Ed Wall?

Yes No

8. If you answered "Yes" to Question No. 7, do you find by a preponderance of the evidence that the conduct upon which you based your answer constitutes gross negligence? (You are ONLY to answer this question if you answered "Yes" to Question No. 7. If you answered "No" to Question No. 7, you are not to answer Question No. 8 and should move to Question No. 9.)

Yes No

9. Do you find that Plaintiff Canyon Ridge Resort, LLC proved by a preponderance of the evidence all the elements of its claim for breach of contract against Sterne Agee & Leach, Inc.?

Yes No

10. Do you find that Plaintiff Canyon Ridge Resort, LLC proved by a preponderance of the evidence all the elements of its claim that Defendant Sterne Agee & Leach, Inc. violated the Tennessee Consumer Protection Act (TCPA) by representing to Plaintiff Canyon Ridge Resort, LLC that its services are of a particular standard, quality or grade if they are of another?

Yes No

11. Do you find that Plaintiff Canyon Ridge Resort, LLC proved by a preponderance of the evidence all the elements of its claim that Defendant Ed Wall violated the TCPA by disparaging Plaintiff Canyon Ridge Resort, LLC's services and/or business by false or misleading representation of fact?

Yes No

12. Do you find that Plaintiff Canyon Ridge Resort, LLC proved by a preponderance of the evidence all the elements of its claim that Defendant Ed Wall violated the TCPA by engaging in any other act or practice that is deceptive to the consumer or to any other person?

Yes No

If you did not answer "Yes" to one or more of Question Nos. 1 through 12, then Defendants are not liable to Plaintiff Canyon Ridge Resort, LLC, and you should not award damages to them.

Compensatory Damages

13. If you answered "Yes" to any of Question Nos. 1 through 12, what amounts of damages, if any, do you find that Plaintiff Canyon Ridge Resort, LLC has proved with reasonable certainty? For purpose of Canyon Ridge Resort, LLC, you should determine what amount of any damages is lost profits and what amount is other damages.

Canyon Ridge Resort, LLC \$ 3,599,000
Lost Profits

Canyon Ridge Resort, LLC \$ 3,300,000
Reimbursable Expenses

Punitive Damages

14. If you answered "Yes" to any of Question Nos. 1, 3, 5, 6, or 8, has Plaintiff Canyon Ridge Resort, LLC shown by clear and convincing evidence that Defendant Ed Wall acted either intentionally, recklessly, maliciously, or fraudulently with respect to claims for which you answered "Yes" in Question Nos. 1, 3, 5, 6, or 8? (You need not determine the amount of punitive damages.)

Yes No

PLAINTIFF SINGING SISTERS FALLS, LLC'S CLAIMS

Liability

15. Do you find that Plaintiff Singing Sisters Falls, LLC proved by a preponderance of the evidence all the elements of its claim for intentional misrepresentation against Ed Wall?

_____ Yes ✓ No

16. Do you find that Singing Sisters Falls, LLC proved by a preponderance of the evidence all the elements of its claim for negligent misrepresentation against Ed Wall?

_____ Yes ✓ No

17. Do you find that Plaintiff Singing Sisters Falls, LLC proved by a preponderance of the evidence all the elements for its claim for breach of fiduciary duties as investment banker against Ed Wall?

✓ Yes _____ No

18. Do you find that Plaintiff Singing Sisters Falls, LLC proved by a preponderance of the evidence all the elements of its claim for negligence against Ed Wall?

✓ Yes _____ No

19. If you answered "Yes" to Question No. 18, do you find by a preponderance of the evidence that the conduct upon which you based your answer constitutes gross negligence? (You are ONLY to answer this question if you answered "Yes" to Question No. 18. If you answered "No" to Question No. 18, you are not to answer Question No. 19 and should move to Question No. 20.)

Yes No

20. Do you find that Singing Sisters Falls, LLC proved by a preponderance of the evidence all the elements of its claim for breach of contract against Sterne Agee & Leach, Inc.?

Yes No

21. Do you find that Plaintiff Singing Sisters Falls, LLC proved by a preponderance of the evidence all the elements of its claim that Defendant Sterne Agee & Leach, Inc. violated the Tennessee Consumer Protection Act (TCPA) by representing to Plaintiff Singing Sisters Falls, LLC that its services are of a particular standard, quality, or grade if they are of another?

Yes No

22. Do you find that Plaintiff Singing Sisters Falls, LLC proved by a preponderance of the evidence all the elements of its claim that Defendant Ed Wall violated the TCPA by disparaging Plaintiff Singing Sisters Falls, LLC's services and/or business by false or misleading representation of fact?

Yes No

23. Do you find that Plaintiff Singing Sisters Falls, LLC proved by a preponderance of the evidence all the elements of its claim that Defendant Ed Wall violated the TCPA by engaging in any other act or practice that is deceptive to the consumer or to any other person?

Yes No

If you did not answer "Yes" to one or more of Question Nos. 15 through 23, then Defendants are not liable to Plaintiff Singing Sisters Falls, LLC, and you should not award damages to them.

Compensatory Damages

24. If you answered "Yes" to any of Question Nos. 15 through 23, what amount of damages, if any, do you find that Plaintiff Singing Sisters Falls, LLC proved with reasonable certainty?

Singing Sisters Falls, LLC \$ 8,700,000
Lost Land Value

Punitive Damages

25. If you answered "Yes" to any of Question Nos. 15, 17, or 19, has Plaintiff Singing Sisters Falls, LLC's shown by clear and convincing evidence that Defendant Ed Wall acted either intentionally, recklessly, maliciously, or fraudulently with respect to claims for which you answered "Yes" in Question Nos. 15, 17, or 19. (You need not determine the amount of punitive damages.)

Yes No

PLAINTIFF SCENIC LAND COMPANY, LLC'S CLAIMS

Liability

26. Do you find that Plaintiff Scenic Land Company, LLC proved by a preponderance of the evidence all the elements of its claim for intentional misrepresentation against Ed Wall?

Yes No

27. Do you find that Plaintiff Scenic Land Company, LLC proved by a preponderance of the evidence all the elements of its claim for negligent misrepresentation against Ed Wall?

Yes No

28. Do you find that Plaintiff Scenic Land Company, LLC proved by a preponderance of the evidence all the elements of its claim for breach of fiduciary duties as investment banker against Ed Wall?

Yes No

29. Do you find that Plaintiff Scenic Land Company, LLC proved by a preponderance of the evidence all the elements of its claim for negligence against Ed Wall?

Yes No

30. If you answered "Yes" to Question No. 29, do you find by a preponderance of the evidence that the conduct upon which you based your answer constitutes gross negligence? (You are ONLY to answer this question if you answered "Yes" to Question No. 29. If you answered "No" to Question No. 29, you are not to answer Question No. 30 and should move to Question No. 31.)

Yes No

31. Do you find that Plaintiff Scenic Land Company, LLC proved by a preponderance of the evidence all the elements of its claim for breach of contract against Sterne Agee & Leach, Inc.?

Yes No

32. Do you find that Plaintiff Scenic Land Company, LLC proved by a preponderance of the evidence all the elements of its claim that Defendant Sterne Agee & Leach, Inc. violated the Tennessee Consumer Protection Act (TCPA) by representing to Plaintiff Scenic Land Company, LLC that its services are of a particular standard, quality, or grade if they are of another?

Yes No

33. Do you find that Plaintiff Scenic Land Company, LLC proved by a preponderance of the evidence all the elements of its claim that Defendant Ed Wall violated the TCPA by disparaging Plaintiff Scenic Land Company, LLC's services and/or business by false or misleading representation of fact?

Yes No

34. Do you find that Plaintiff Scenic Land Company, LLC proved by a preponderance of the evidence all the elements of its claim that Defendant Ed Wall violated the TCPA by engaging in any other act or practice that is deceptive to the consumer or to any other person?

Yes No

If you did not answer "Yes" to one or more of Question Nos. 26 through 34, then Defendants are not liable to Plaintiff Scenic Land Company, LLC, and you should not award damages to them.

Compensatory Damages

35. If you answered "Yes" to any of Question Nos. 26 through 34, what amount of damages, if any, do you find that Plaintiff Scenic Land Company, LLC proved with reasonable certainty?

Scenic Land Company, LLC \$ 5,000,000
Lost Development Fee

Punitive Damages

36. If you answered "Yes" to any of Question Nos. 26, 28, or 30, has Plaintiff Scenic Land Company, LLC shown by clear and convincing evidence that Defendant Ed Wall acted either intentionally, recklessly, maliciously, or fraudulently with respect to claims for which you answered "Yes" in Question Nos. 26, 28, or 30. (You need not determine the amount of punitive damages.)

Yes No

Cynthia Hunter
Presiding Juror

[Signature] 43

Exhibit B

IN THE CIRCUIT COURT OF TENNESSEE
ELEVENTH JUDICIAL DISTRICT
AT CHATTANOOGA

FILED IN OFFICE
2015 JUN -14 AM 10:08
HENRY, CLERK
BY MA DC

Canyon Ridge Resort, LLC, Singing
Sisters Falls, LLC, and Scenic Land
Company, LLC,

Plaintiffs,

v.

Sterne Agee & Leach, Inc. and
Edmund J. Wall,

Defendants.

JURY DEMAND

Civil Action No. 11-C-1083
Division I

PUNITIVE DAMAGES JURY VERDICT FORM

1. Do you find that Plaintiff Canyon Ridge Resort, LLC has shown by clear and convincing evidence that Defendant Ed Wall's actions with respect to the claims in Question Nos. 1, 3, 5, 6 or 8, showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care that would raise the presumption of conscious indifference to consequences? (You need not determine the amount of punitive damages.)

YES: _____

NO: _____

3. Do you find that Scenic Land Company, LLC has shown by clear and convincing evidence that Defendant Ed Wall's actions, with respect to the claims in Question Nos. 26, 28 or 30 showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care that would raise the presumption of conscious indifference to consequences? (You need not determine the amount of punitive damages.)

YES: ✓

NO: _____

Do you find that Scenic Land Company, LLC has shown by clear and convincing evidence that Defendant Sterne Agee and Leach's actions, with respect to the claims in Question Nos. 26, 28 or 30 showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care that would raise the presumption of conscious indifference to consequences? (You need not determine the amount of punitive damages.)

YES: ✓

NO: _____

lyll
~~Jerry~~ Presiding Juror

Scenic Land Company, LLC

3. Do you find by a preponderance of the evidence that Defendant Sterne Agee & Leach, Inc. specifically intended to cause harm to Plaintiff Scenic Land Company, LLC? If your answer to this question is no, you may not award punitive damages against Sterne Age & Leach, Inc. to Plaintiff Scenic Land Company, LLC in excess of \$250,000. If your answer to this question is yes, you may award punitive damages against Sterne Age & Leach, Inc. to Scenic Land Company, LLC in excess of \$250,000.

YES: _____

NO: _____

4. Do you find by a preponderance of the evidence that Defendant Edmund J. Wall specifically intended to cause harm to Plaintiff Scenic Land Company, LLC? If your answer to this question is no, you may not award punitive damages against Defendant Edmund J. Wall to Plaintiff Scenic Land Company, LLC in excess of \$250,000. If your answer to this question is yes, you may award punitive damages against Defendant Edmund J. Wall to Scenic Land Company, LLC in excess of \$250,000.

YES: _____

NO: _____

CDK

AMOUNT OF PUNITIVE DAMAGES

What amount of punitive damages, if any, do you award to each Plaintiff?

Canyon Ridge Resort, LLC \$ _____

Scenic Land Company, LLC \$ _____

Presiding Juror

AMOUNT OF PUNITIVE DAMAGES

What amount of punitive damages, if any, do you award to each Plaintiff?

Canyon Ridge Resort, LLC

Amount of punitive damages awarded against Defendant Sterne Agee & Leach, Inc. to Plaintiff Canyon Ridge Resort, LLC:

\$ 10,000,000

Amount of punitive damages awarded against Defendant Edmund J. Wall to Plaintiff Canyon Ridge Resort, LLC:

\$ 1,000,000

Scenic Land Company, LLC

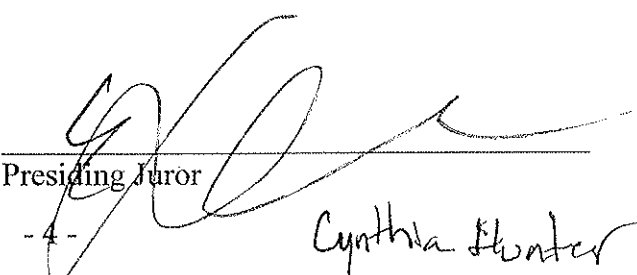
Amount of punitive damages awarded against Defendant Sterne Agee & Leach, Inc. to Plaintiff Scenic Land Company, LLC:

\$ 250,000

Amount of punitive damages awarded against Defendant Edmund J. Wall to Plaintiff Scenic Land Company, LLC:

\$ 250,000

WJ



Presiding Juror

Cynthia Hunter