

June 30, 2016



JUDGMENT

The Fourteenth Court of Appeals

1717 BISSONNET, LLC, APPELLANT AND CROSS-APPELLEE

NO. 14-14-00589-CV

V.

PENELOPE LOUGHHEAD, LUONG NGUYEN, LAM NGUYEN AND
KATHERINE HOANG, JOINTLY, JAMIE FLATT, DONALD
VERPLANCKEN, NORMAN AND SUANNAH RUND, JOINTLY, ACHIM
AND DIANA BELL, JOINTLY, JEANNE MEIS, MARY VAN DYKE, RALPH
AND LESLIE MILLER, JOINTLY, YIN AND SURONG ZHANG, JOINTLY,
MARTHA GARIEPY, STEPHEN ROBERTS, SUZANNE POWELL,
MICHELLE JENNINGS AND MICHAEL TETZLAFF, JOINTLY, JAMES AND
ALLISON CLIFTON, JOINTLY, KIMBERLY BELL, RICHARD AND MARY
BARANIUK, JOINTLY, KENNETH REUSSER AND XANTHI COUROUCLI,
JOINTLY, AND EARLE MARTIN, APPELLEES AND CROSS-APPELLANTS

This cause, an appeal from the judgment, signed July 18, 2014, was heard on the transcript of the record. We have inspected the record and find error in the judgment.

We order the portion of the judgment ordering that appellees/cross-appellants, Penelope Loughhead, Luong Nguyen, Lam Nguyen and Katherine Hoang, jointly, Jamie Flatt, Donald Verplancken, Norman and Suannah Rund, jointly, Achim and Diana Bell, jointly, Jeanne Meis, Mary Van Dyke, Ralph and Leslie Miller, jointly, Yin and Surong Zhang, jointly, Martha Gariepy, Stephen Roberts, Suzanne Powell, Michelle Jennings and Michael Tetzlaff, jointly, James and Allison Clifton, jointly, Kimberly Bell, Richard and Mary Baraniuk, jointly, Kenneth Reusser and Xanthi Couroucli, jointly, and Earle Martin, recover from

appellant/cross-appellee, 1717 Bissonnet, LLC, damages for loss of market value be **REVERSED** and **RENDER** judgment that appellees/cross-appellants take nothing on their claim for damages without prejudice to their right to seek damages once a claim for an existing nuisance accrues.

We further order the portion of the judgment taxing costs of court against appellant/cross-appellee, 1717 Bissonnet, LLC, be **REVERSED** and **RENDER** judgment taxing all costs of court against appellees/cross-appellants, Penelope Loughhead, Luong Nguyen, Lam Nguyen and Katherine Hoang, jointly, Jamie Flatt, Donald Verplancken, Norman and Suannah Rund, jointly, Achim and Diana Bell, jointly, Jeanne Meis, Mary Van Dyke, Ralph and Leslie Miller, jointly, Yin and Surong Zhang, jointly, Martha Gariepy, Stephen Roberts, Suzanne Powell, Michelle Jennings and Michael Tetzlaff, jointly, James and Allison Clifton, jointly, Kimberly Bell, Richard and Mary Baraniuk, jointly, Kenneth Reusser and Xanthi Couroucli, jointly, and Earle Martin, except for those costs taxed in the judgment against “Non-Prevailing Plaintiffs.”

We order the remainder of the judgment of the court below **AFFIRMED**.

We further order that all costs incurred by reason of this appeal be paid by appellees/cross-appellants, Penelope Loughhead, Luong Nguyen, Lam Nguyen and Katherine Hoang, jointly, Jamie Flatt, Donald Verplancken, Norman and Suannah Rund, jointly, Achim and Diana Bell, jointly, Jeanne Meis, Mary Van Dyke, Ralph and Leslie Miller, jointly, Yin and Surong Zhang, jointly, Martha Gariepy, Stephen Roberts, Suzanne Powell, Michelle Jennings and Michael Tetzlaff, jointly, James and Allison Clifton, jointly, Kimberly Bell, Richard and Mary Baraniuk, jointly, Kenneth Reusser and Xanthi Couroucli, jointly, and Earle Martin—jointly and severally.

We further order this decision certified below for observance.