

DEC 15 2010

CAUSE NO. D-1-GN-08-002054

at 2:25p M.  
Amalia Rodriguez-Mendoza, Clerk

MEDICAL CARBON RESEARCH §  
INSTITUTE, LLC, MCRI, INC. and ON-X §  
LIFE TECHNOLOGIES, INC. §  
Plaintiffs §

IN THE DISTRICT COURT

345TH JUDICIAL DISTRICT

V. §

AXEL D. HAUBOLD, §  
Defendant §

OF TRAVIS COUNTY, TEXAS

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**FINAL JUDGMENT**

BE IT REMEMBERED that on the 15<sup>th</sup> day of November, 2010, came on for trial on the merits the above case at a regular term of this Court after said case was duly set for trial with due and proper notice to all parties, whereupon Plaintiffs MEDICAL CARBON RESEARCH INSTITUTE, LLC, MCRI, INC., AND ON-X-LIFE TECHNOLOGIES, INC. (collectively Plaintiffs) appeared through their corporate representative, and with their attorneys of record, and Defendant AXEL D. HAUBOLD (“Defendant”) appeared in person, and with his attorneys of record, and all parties announced ready for trial.

Thereafter, a panel of 12 duly qualified men and women were selected and sworn in as the Jury in this cause. Thereafter, the parties through their attorneys made their opening statements and Plaintiffs presented their evidence. After Plaintiffs rested, the Court denied Defendant’s Motion for Directed Verdict.

Thereafter Defendants presented their evidence, concluding on the 18<sup>th</sup> day of November, 2010, when the parties through their attorneys, announced in open Court that they had presented all their evidence and that they rested. Thereafter, the Court in consultation with the attorneys representing the parties prepared a written charge to submit the case to the Jury. The parties through their attorneys were allowed to examine the charge and were provided with the

opportunity to make objections to it. Thereafter, on the 18<sup>th</sup> day of November, 2010, the Court read its written charge to the Jury. Thereafter, the parties through their attorneys were allowed to present final argument to the Jury. Thereafter, the Jury then retired to deliberate the verdict.

On the 18<sup>th</sup> day of November, 2010, the Jury returned to open Court and announced through its presiding juror that the jurors had reached a unanimous verdict. The verdict was read aloud in open Court in the presence of the Jury and the attorneys representing the parties. Thereafter, the Court determined that no party through their attorneys had any objection to the receipt of the verdict. The Court then received the verdict to be filed among the papers of the cause and discharged the Jury. The questions submitted to the jury and the jury's findings are attached as Exhibit A and incorporated herein by reference.

WHEREFORE, the Court, having considered the contents of its file, including but not limited to all pleadings, motions, discovery, stipulations, and admissions, as well as the arguments of counsel, the evidence presented at trial, the verdict of the jury rendered on November 18, 2010, all of which are incorporated herein by reference, now renders and enters final judgment in favor of Plaintiffs MEDICAL CARBON RESEARCH INSTITUTE, LLC, MCRI, INC., AND ON-X-LIFE TECHNOLOGIES, INC. as follows.

Based on the jury's verdict, the Court FINDS, as a matter of law, that Defendant breached the Full and Final Release and Settlement Agreement between Plaintiffs and Defendant, dated April 9, 2008.

Plaintiffs requested attorney's fees both as the actual damages resulting from Defendant's breach and pursuant to Texas Civil Practice & Remedies Code § 38.001.

It is therefore ORDERED, ADJUDGED and DECREED that Plaintiffs MEDICAL CARBON RESEARCH INSTITUTE, LLC, MCRI, INC., AND ON-X-LIFE TECHNOLOGIES,

INC. recover from Defendant Axel D. Haubold the sum of \$103,000 as their reasonable and necessary attorney's fees through trial.

The additional sum of \$20,000 is awarded in the event Plaintiffs are successful in an appeal by Defendant to the Texas Court of Appeals. The additional sum of \$5,000 is awarded in the event an application for writ of error is filed by Defendant but not granted by the Supreme Court of Texas. The additional sum of \$5,000 is awarded in the event Defendant's application for writ of error is granted but its appeal to the Supreme Court of Texas is unsuccessful.

It is further ORDERED, ADJUDGED and DECREED that the judgment here rendered shall bear interest at the rate of 5 % from the date of signing of the judgment until paid.

It is further ORDERED, ADJUDGED and DECREED that Plaintiffs shall have all writs of execution and other process necessary to enforce this judgment.

All costs of court expended or incurred in this cause are adjudged against the Defendant.

This judgment finally disposes of all parties and all claims and is appealable.

SIGNED this the 15 day of December, 2010.

  
HONORABLE ORLINDA NARANJO  
JUDGE PRESIDING