

CAUSE NO. 24-4598-442

LOUDER WITH CROWDER, LLC,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
v.	§	DENTON COUNTY, TEXAS
	§	
JARED MITELLO,	§	
	§	
Defendant.	§	442nd JUDICIAL DISTRICT

**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS UNDER THE TEXAS
CITIZENS PARTICIPATION ACT AND MOTION FOR FEES AND SANCTIONS**

On September 19, 2024, the Court held a hearing on the Motion to Dismiss under the Texas Citizen's Participation Act ("TCPA Motion") filed by Defendant Jared Mittelo ("Mittelo" or "Defendant"), the Expedited Motion for Limited Discovery ("Discovery Motion") filed by Plaintiff Louder with Crowder, LLC ("Louder" or "Plaintiff"), and the Motion for Continuance ("Continuance Motion") filed by Louder. During the hearing, the Court verbally denied the Discovery Motion and Continuance Motion, requested post-hearing briefing on limited issues, and took the TCPA Motion under advisement.

On October 10, 2024, the Court granted the TCPA Motion via email to counsel for the Parties and requested that the Parties select a hearing date for the issue of attorneys' fees. The Parties subsequently agreed to submit the issue of attorneys' fees on paper rather than holding an oral hearing, with the motion for attorneys' fees to be filed by October 17, 2024, and the response thereto to be filed by October 24, 2024. These deadlines were accepted and docketed by the Court.

On October 17, 2024, Defendant timely filed his Motion for Fees and Sanctions ("Fees Motion"). Plaintiff did not file a response to the Fees Motion.

After considering the various motions, responses thereto, the pleadings, evidence, and the arguments of counsel, the Court finds that the TCPA Motion and the Fees Motion should be and hereby are GRANTED. Accordingly, it is

ORDERED that each of Plaintiff's claims against Defendant are dismissed with prejudice. Plaintiff shall take nothing on its claims against Defendant. It is further

ORDERED that Defendant Jared Mittelo ("Defendant") shall have and recover from Plaintiff Louder with Crowder, LLC ("Plaintiff"), the amount of \$43,037.00 representing Defendant's reasonable and necessary attorneys' fees incurred in pursuing his TCPA Motion and defending against Plaintiff's legal action. It is further

ORDERED that Defendant shall have and recover from Plaintiff conditional attorneys' fees in the amount of \$35,750.00 for legal services if this Order, the Order granting the TCPA Motion, or the orders on Plaintiff's Motion for Expedited Discovery and Motion for Continuance (collectively, the "Orders") are appealed to and substantially unchanged in the Court of Appeals, plus conditional attorneys' fees in the amount of \$19,250.00 if any party files a Petition for Review in the Supreme Court of Texas and the Orders are successfully defended in the Supreme Court of Texas, plus conditional attorneys' fees in the amount of \$22,000.00 if the Supreme Court of Texas requests briefs on the merits and the Orders are successfully defended in the Supreme Court of Texas, plus conditional attorneys' fees in the amount of \$16,500.00 if the Supreme Court of Texas hears oral argument and the Orders are successfully defended in the Supreme Court of Texas. It is further

ORDERED that Defendant shall have and recover from Plaintiff the amount of \$ 15,000 —, representing sanctions pursuant to Texas Civil Practices & Remedies

Code § 27.009(a)(2) which is an amount the Court hereby determines is sufficient to deter Plaintiff from bringing similar actions described under the TCPA.

This Order resolves all claims between Plaintiff and Defendant.

SIGNED this 30 day of Oct., 2024.

Tiff Huntley
JUDGE PRESIDING